

Fill the Gap Report: FY2018



Arizona Criminal
Justice Commission



ARIZONA CRIMINAL JUSTICE COMMISSION



Chairperson
SHEILA POLK
Yavapai County Attorney

Vice-Chairperson
JOE R. BRUGMAN, Chief
Safford Police Department

MARK BRNOVICH
Attorney General

DAVID K. BYERS, Director
Administrative Office of the Courts

KELLY "KC" CLARK
Navajo County Sheriff

DAVE COLE
Former Judge

SEAN DUGGAN, Chief
Chandler Police Department

BARBARA LAWALL
Pima County Attorney

GREG MENGARELLI, Mayor
City of Prescott

FRANK MILSTEAD, Director
Department of Public Safety

BILL MONTGOMERY
Maricopa County Attorney

MARK NAPIER
Pima County Sheriff

PAUL PENZONE
Maricopa County Sheriff

CHARLES RYAN, Director
Department of Corrections

DAVID SANDERS
Pima County Chief Probation Officer

DANIEL SHARP, Chief
Oro Valley Police Department

STEVE STAHL, Chief
City of Maricopa Police Department

STEVE WILLIAMS
Navajo County Supervisor

C.T. WRIGHT, Chairperson
Board of Executive Clemency

ANDREW T. LEFEVRE
Executive Director

Grace Kim
Statistical Analysis Center
Research Analyst

TABLE OF CONTENTS

EXECUTIVE SUMMARY	1
INTRODUCTION	3
FILL THE GAP FUNDS LEGISLATION	3
ARIZONA CASE TIMELINES	5
RESEARCH METHODS	5
ARIZONA COMPUTERIZED CRIMINAL HISTORY (ACCH)	6
REPORT LAYOUT	7
STATE FILL THE GAP FUNDING	8
HISTORY OF FILL THE GAP FUNDING	9
STATE AID TO COUNTY ATTORNEYS FUND	10
STATE AID TO INDIGENT DEFENSE FUND	10
APACHE COUNTY	11
APACHE COUNTY ATTORNEY’S OFFICE	11
COCHISE COUNTY	12
COCHISE COUNTY ATTORNEY’S OFFICE	12
COCONINO COUNTY	13
COCONINO COUNTY ATTORNEY’S OFFICE	13
GILA COUNTY	14
GILA COUNTY ATTORNEY’S OFFICE	14
GRAHAM COUNTY	15
GRAHAM COUNTY ATTORNEY’S OFFICE	15
GREENLEE COUNTY	16
GREENLEE COUNTY ATTORNEY’S OFFICE	16
LA PAZ COUNTY	17
LA PAZ COUNTY ATTORNEY’S OFFICE	17
MARICOPA COUNTY	18
MARICOPA COUNTY ATTORNEY’S OFFICE	18
MOHAVE COUNTY	19
MOHAVE COUNTY ATTORNEY’S OFFICE	19
NAVAJO COUNTY	20
NAVAJO COUNTY ATTORNEY’S OFFICE	20

PIMA COUNTY	21
PIMA COUNTY ATTORNEY’S OFFICE	21
PINAL COUNTY	22
PINAL COUNTY ATTORNEY’S OFFICE	22
SANTA CRUZ	23
SANTA CRUZ COUNTY ATTORNEY’S OFFICE	23
YAVAPAI COUNTY	24
YAVAPAI COUNTY ATTORNEY’S OFFICE	24
YUMA COUNTY	25
YUMA COUNTY ATTORNEY’S OFFICE	25
ACCH REPOSITORY DATA.....	26
ACCH CASE PROCESSING STATISTICS FOR THE STATE OF ARIZONA	26
APACHE COUNTY	27
COCHISE COUNTY	27
COCONINO COUNTY	28
GILA COUNTY	28
GRAHAM COUNTY	29
GREENLEE COUNTY	29
LA PAZ COUNTY	30
MARICOPA COUNTY	30
MOHAVE COUNTY	31
NAVAJO COUNTY	31
PIMA COUNTY	32
PINAL COUNTY	32
SANTA CRUZ COUNTY	33
YAVAPAI COUNTY	33
YUMA COUNTY	34
CONCLUSION AND RECOMMENDATIONS	35
APPENDIX A: ARIZONA COUNTY POPULATION ESTIMATES.....	37
APPENDIX B: STATE FILL THE GAP FUNDING ALLOCATION CHANGES	38
APPENDIX C: ARIZONA FILL THE GAP BALANCES, REVENUES, AND EXPENDITURES.....	39
APPENDIX D: SUMMARY OF THE USE OF STATE FILL THE GAP FUNDS IN FY2018.....	41
APPENDIX E: ARIZONA REVISED STATUTES AUTHORIZING FILL THE GAP FUNDING	42
APPENDIX F: ARIZONA SUPREME COURT RULES OUTLINING COURT CASE PROCESSING ...	50

LIST OF TABLES

Table 1. State Fill the Gap Fund Allocation Changes for County Attorneys FY2017 – FY2018.....	10
Table 2. Apache County Attorney's Office Balances and Expenditures of State Fill the Gap Funds.....	11
Table 3. Apache County Attorney's Office Felony Case Processing Statistics.....	11
Table 4. Cochise County Attorney's Office Balances and Expenditures of State Fill the Gap Funds	12
Table 5. Cochise County Attorney's Office Felony Case Processing Statistics	12
Table 6. Coconino County Attorney's Office Balances and Expenditures of State Fill the Gap Funds	13
Table 7. Coconino County Attorney's Office Felony Case Processing Statistics	13
Table 8. Gila County Attorney's Office Balances and Expenditures of State Fill the Gap Funds.....	14
Table 9. Gila County Attorney's Office Felony Case Processing Statistics	14
Table 10. Graham County Attorney's Office Balances and Expenditures of State Fill the Gap Funds	15
Table 11. Graham County Attorney's Office Felony Case Processing Statistics	15
Table 12. Greenlee County Attorney's Office Balances and Expenditures of State Fill the Gap Funds	16
Table 13. Greenlee County Attorney's Office Felony Case Processing Statistics.....	16
Table 14. La Paz County Attorney's Office Balances and Expenditures of State Fill the Gap Funds	17
Table 15. La Paz County Attorney's Office Felony Case Processing Statistics	17
Table 16. Maricopa County Attorney's Office Balances and Expenditures of State Fill the Gap Funds	18
Table 17. Maricopa County Attorney's Office Felony Case Processing Statistics.....	18
Table 18. Mohave County Attorney's Office Balances and Expenditures of State Fill the Gap Funds	19
Table 19. Mohave County Attorney's Office Felony Case Processing Statistics	19
Table 20. Navajo County Attorney's Office Balances and Expenditures of State Fill the Gap Funds	20
Table 21. Navajo County Attorney's Office Felony Case Processing Statistics.....	20
Table 22. Pima County Attorney's Office Balances and Expenditures of State Fill the Gap Funds	21
Table 23. Pima County Attorney's Office Felony Case Processing Statistics.....	21
Table 24. Pinal County Attorney's Office Balances and Expenditures of State Fill the Gap Funds.....	22
Table 25. Pinal County Attorney's Office Felony Case Processing Statistics.....	22
Table 26. Santa Cruz County Attorney's Office Balances and Expenditures of State Fill the Gap Funds....	23
Table 27. Santa Cruz County Attorney's Office Felony Case Processing Statistics	23
Table 28. Yavapai County Attorney's Office Balances and Expenditures of State Fill the Gap Funds	24
Table 29. Yavapai County Attorney's Office Felony Case Processing Statistics	24
Table 30. Yuma County Attorney's Office Balances and Expenditures of State Fill the Gap Funds	25
Table 31. Yuma County Attorney's Office Felony Case Processing Statistics	25

Table 32. Statewide Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System	26
Table 33. Apache County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System.....	27
Table 34. Cochise County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System.....	27
Table 35. Coconino County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System.....	28
Table 36. Gila County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System	28
Table 37. Graham County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System.....	29
Table 38. Greenlee County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System.....	29
Table 39. La Paz County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System.....	30
Table 40. Maricopa County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System.....	30
Table 41. Mohave County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System.....	31
Table 42. Navajo County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System.....	31
Table 43. Pima County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System	32
Table 44. Pinal County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System	32
Table 45. Santa Cruz County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System.....	33
Table 46. Yavapai County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System.....	33
Table 47. Yuma County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System	34
Table 48. Arizona 2017 Population Estimates	37
Table 49. State Fill the Gap Funding Allocation Changes FY2008 – FY2018	38
Table 50. State Aid to County Attorneys Fill the Gap Balance Detail FY2018.....	399
Table 51. State Aid to County Attorney’s Fill the Gap Expenditures by County FY2018.....	40

LIST OF FIGURES

Figure 1: State Fill the Gap Fund Formula FY2018..... 4

Figure 2: State Fill the Gap Funding Allocations 9

EXECUTIVE SUMMARY

Due to an increase in population and in funding for law enforcement, Arizona processed a high volume of cases through its court system during the 1990s. Senate Bill 1013, later known as the Fill the Gap (FTG) legislation, was enacted in 1999 to reduce case processing times throughout the state. Senate Bill 1013 provided funds specifically to county attorneys, indigent defense agencies, and the superior courts.

The Arizona Criminal Justice Commission (ACJC) is responsible for administering the State Aid to County Attorneys Fund and State Aid to Indigent Defense Fund. The ACJC distributes these monies to each county annually according to formulas established in the Arizona Revised Statutes (A.R.S. §41- 2409). The ACJC also annually reports on fund expenditures and improvements in criminal case processing time in the state.

Criminal case processing standards are established by Arizona Supreme Court Rule 8.2, requiring that criminal cases (excluding capital cases and complex cases) reach adjudication within 180 days of arraignment for out of custody defendants, and 150 days for in-custody defendants. Exceptions to this rule include cases experiencing delays due to the following:

- 1) lengthy trial preparations
- 2) the determination of a defendant's mental competency or disability
- 3) an absent or incompetent defendant
- 4) probable cause remanding
- 5) disclosure time extensions
- 6) trial calendar congestion
- 7) a joinder of trials with another defendant
- 8) setting a transfer hearing
- 9) the inability to take the accused into custody (see Appendix G).

If cases experience delays for any of the above reasons, the initial countdown to adjudication may be suspended and then resumed when the circumstances leading to delay are resolved.

Due to ongoing changes in general funding, State Aid to Indigent Defense funds were redirected to the Attorney General budget to fund capital post-conviction prosecutions were redirected to the Department of Public Safety (DPS) for operational costs associated with the Arizona Counter Terrorism Information Center. As a result of these adjustments to the State FTG funding, indigent defense agencies did not receive monies from the State FTG fund. County attorneys were the only agencies to receive funds in FY2018 totaling \$790,397. The monies allocated to county attorneys during the fiscal year were less than the projected appropriation due to a decrease in fine, fee, and surcharge revenues received from the Criminal Justice Enhancement Fund (CJEF).

According to information provided by county attorney offices, a total of \$794,004 was expended during FY2018 on the following: salaries, fringe benefits, and overtime (\$759,661.80); contractual services (\$3,342.74); operating cost and supplies (\$3,267.31); case management software (\$21,378.02); and other expenses such as maintenance fees for equipment (\$6,354.13). The total amount expended during FY2018 is more than the total amount allocated as most agencies began the fiscal year with a fund balance from previous allocations. County attorneys will carry over a balance of \$650,224.86 into FY2019 due to unexpended funds.

In FY2017, changes in the report were made to only include information on the agencies that are being funded continually, so case processing statistics are available for the County Attorneys' agencies. Since no funding has been allocated to indigent defense agencies since FY2012, no information is provided.

Out of the fifteen agencies, one agency was unable to provide case processing statistics for FY2018 because their case management system did not track the requested information. Two agencies provided incomplete case processing statistics because their case management systems did not track the requested information. Twelve agencies provided complete case processing statistics.

Eight of the fourteen agencies that provided case processing statistics reported an increase in the number of felony cases filed in FY2018. Of the agencies that provided statistics on the percentage of felony cases adjudicated within 180 days between FY2017 and FY2018, eight agencies reported a decrease in the percentage of felony cases that were adjudicated within 180 days. The 180 day marker was selected as the FTG reporting standard because this is the maximum case processing time allowed by the Supreme Court Rules of Criminal Procedures.

The increased number of felony cases adjudicated in many agencies reflect how Fill the Gap funds are critical to improve case processing. It is also important to note that each agency may use different methods to determine their case processing time based on their systems, and this may result in a possibility that County Attorneys are meeting either the 150 day or 180 day standard set forth by the Arizona Supreme Court Rules of Criminal Procedure.

Data from the Arizona Computerized Criminal History (ACCH) repository was used to perform an additional analysis of case processing times. Case processing time frames in the ACCH repository differ from the time frames established by the Arizona Supreme Court Rules of Criminal Procedure because arraignment dates are not recorded in the ACCH. Therefore, case processing time when using ACCH data is defined as the time within 180 days between the arrest date and the disposition date. ACCH data reveal that fourteen counties improved the percentage of felony cases processed within 180 days from arrest. ACCH data was not used to analyze the number of cases processed within 150 days of arrest because of the inability to identify in-custody and out of custody defendants in the repository. Nevertheless, the ACCH is a valuable resource for examining trends because the data are regularly and systematically collected and entered into the database.

After assessing data from each county and the ACCH repository, the ACJC recommends the following to improve case processing times throughout the state:

- 1) If their current case management system is unable to do so, agencies should transfer to a system that has the ability to generate and track case processing statistics;
- 2) Agencies should continue to collaborate with other criminal justice entities and standardize data definitions so that statistics are comparable across agencies;
- 3) Additional resources are allocated to fund indigent defense services; and
- 4) And agencies should develop strategies for submitting case processing information to statewide database systems to help ensure timely reporting of information.

INTRODUCTION

Arizona Senate Bill 1013, now known as State Fill the Gap (FTG) legislation, was passed into law in 1999. This bill was enacted to address the increasing number of cases processed through the court system and, in turn, provide supporting funds for three stakeholders (county attorneys, indigent defense agencies, and superior courts). In previous years, these stakeholders received State FTG funds from legislative appropriations; and from fine, fee, penalty, and surcharge revenues collected through the Criminal Justice Enhancement Fund (CJEF). In FY2011, legislative changes were made. State FTG funds were provided for only County Attorneys' offices, the Attorney General budget to fund capital post-conviction prosecution, and to the Department of Public Safety (DPS) for operational costs associated with the Arizona Counter Terrorism Information Center. In FY2018, State FTG funds were distributed to County Attorney agencies from CJEF. These monies are distributed to each county based on an index computed from the county's current population¹ and a three-year average of cases filed in each respective county's superior court (A.R.S. §41-2409).

As required by A.R.S. §41-2409, this report addresses the Arizona Criminal Justice Commission's statutory requirement to provide an explanation of the State FTG program, expenditures, and resulting improvements in case processing. While this report reflects the usage of the State Aid to County Attorneys Fund and State Aid to Indigent Defense Fund, this report does not contain information regarding the State Aid to Courts Fund, as this account is not monitored by the ACJC. Information regarding the use of the State Aid to Courts Fund may be found in the Arizona Administrative Office of the Courts' (AOC) Fill the Gap Annual Report.

FILL THE GAP FUNDS LEGISLATION

Six Arizona Revised Statutes govern the collection, administration, and reporting of the State Fill the Gap funds: A.R.S. §11-539, A.R.S. §11-588, A.R.S. §12-102.02, A.R.S. §12-116.01, A.R.S. §41-2421, and A.R.S. §41-2409. The statutes provide financial support to counties to improve criminal case processing in the state. The six statutes are shown in their entirety in Appendix E.

A.R.S. §41-2421 states that "filing fees, including clerk fees, diversion fees, fines, penalties, surcharges, sanctions and forfeitures" collected by the Arizona Supreme Court and the Court of Appeals are allocated to create Fill the Gap funding according to the following formula:

- 21.61 percent to the State Aid to County Attorneys Fund;
- 20.53 percent to the State Aid to Indigent Defense Fund;
- 57.37 percent to the State Aid to the Courts Fund; and
- 0.49 percent to the Department of Law for the processing of criminal cases.

In A.R.S. §12-116.01.B, a seven percent surcharge is also collected by county courts. The surcharge is collected on the following: all fines, penalties, forfeitures relating to criminal offenses, traffic and vehicular violations, and game and fish Title 17 statute violations.

¹ July 1, 2017 Population Estimates for Arizona's Counties, Incorporated Places and Unincorporated Balance of Counties. (2018, December 1). Retrieved from <https://population.az.gov/sites/default/files/documents/files/pop-estimates2017-04pla.pdf>.

Funds from the seven percent surcharge are distributed to FTG accounts as follows (A.R.S. §41-2421):

- 15.44 percent to the State Aid to County Attorneys Fund;
- 14.66 percent to the State Aid to Indigent Defense Fund;
- 40.97 percent to the State Aid to the Courts Fund;
- 0.35 percent to the Department of Law for the processing of criminal cases;
- 14.29 percent to the Arizona Criminal Justice Commission for distribution to full service forensic crime laboratories; and
- 14.29 percent to the Arizona Supreme Court for allocation to the municipal courts.

The State Aid to the County Attorneys Fund and the State Aid to the Indigent Defense Fund are administered by the Arizona Criminal Justice Commission. The State Aid to the Courts Fund is administered by the Arizona Supreme Court. This report only provides data and information on the State Aid to the County Attorneys Fund and the State Aid to the Indigent Defense Fund.

In FY2018, the ACJC administered \$790,397.00 from the State Aid to County Attorneys Fund. The total monies awarded to county attorneys were less than the projected appropriation for FY2018 due to a decrease in fine, fee, and surcharge revenues received by the ACJC. The State Aid to Indigent Defense Fund did not receive funds due to legislative budget changes passed in FY2011.

The State FTG funds administered by the ACJC are distributed according to the formulas established in A.R.S. §41-2409 (See Figure 1). Funds were distributed to the county attorneys based on each county's three-year average of felony case filings, and the county's annual population, as reported by the Arizona Department of Administration².

Figure 1: State Fill the Gap Fund Formula FY2018	
Step 1:	
County's Felony Filings in Superior Court:	
Total Year 1 + Total Year 2 + Total Year 3 = 3 Year County Total	
3 Year County Total ÷ 3 = 3 Year Average County Felony Filings	
Statewide Felony Filings in All Superior Courts	
Total Year 1 + Total Year 2 + Total Year 3 = 3 Year Statewide Total	
3 Year Statewide Total ÷ 3 = 3 Year Average Statewide Felony Filings	
3 Year Average County Felony Filings ÷ 3 Year Average Statewide Felony Filings = Step 1 Result	
Step 2:	
County Population ÷ Statewide Population = Step 2 Result	
Step 3:	
(Step 1 Result + Step 2 Result) ÷ 2 = Composite Index³	

² Ibid.

³ The Composite Index is used as a county multiplier across Fill the Gap funds to determine county fund distribution.

ARIZONA CASE TIMELINES

The Arizona Supreme Court Rules of Criminal Procedures establishes time limitations for case processing. Rule 8.2 states that with the exception of complex and capital cases, cases involving felony defendants held in-custody are given up to 150 days from arraignment to conclude, and cases involving out of custody felony defendants are given up to 180 days. All felony cases (except complex and capital) are expected to adhere to the standards set by the Arizona Supreme Court. Exceptions to this rule include cases that experience continuances due to exceptional circumstances where time calculations are temporarily suspended and then resumed when these circumstances are resolved. Reasons for granting continuances on cases include the following:

1. the determination of mental competency or disability of a defendant;
2. an absent or incompetent defendant;
3. probable cause remanding;
4. disclosure time extensions;
5. trial calendar congestion;
6. a joinder of trials with another defendant;
7. setting a transfer hearing; or
8. the inability to take the accused into custody.

For the FY2018 report, agencies were asked to report only on the percentage of felony cases adjudicated within 180 days, regardless of custody type. For the FY2017 report, agencies were asked to report the total number of felony cases filed in-custody and out of custody, as well as the percentage of felony cases that were adjudicated in-custody within 150 days and out of custody within 180 days. The 150 day time frame for in-custody and 180 day for out of custody cases were selected in accordance with the Arizona Rules of Criminal Procedure Rule 8.2 (see Appendix G).

RESEARCH METHODS

The Arizona Criminal Justice Commission's Statistical Analysis Center (SAC) used an annual reporting form and financial report to capture State FTG expenditures, case processing statistics, and qualitative responses on any circumstances that improved or hindered case processing throughout the fiscal year. This form was developed by the SAC during the late 1990s and has undergone significant changes throughout the years. In FY2016, questions regarding potential causes for case continuances and the impact of FTG funding on agency operations were included to further assess factors influencing case processing. These changes were used again for the FY2017 forms. The FY2017 forms expanded to include additional information on the statistics of felony cases filed in-custody and out of custody. These changes were included to provide more detail on case processing in the state. Information from the reporting documents was compiled and analyzed to identify common spending priorities, funding balances, improvements to processing, and any challenges faced by the agencies within each county. However, the 2016 reporting form was again used for the FY2018 report due to inconsistencies among the agencies reporting statistics of felony cases filed in-custody and out of custody.

It is important to note that case processing statistics may vary across counties and between agencies within an individual county. This variation may be due to agencies categorizing a case

as filed or adjudicated in different ways. For instance, some agencies begin their time calculations from the date of indictment or the date in which an attorney is assigned to the case, while others will use the date of arraignment. Many agencies across the state also use unique case management systems to track case processing statistics or operate on a case management system that is not able to provide the requested statistics. These factors greatly limit the standardization and comparison of case processing statistics across the state.

Arizona Computerized Criminal History (ACCH)

Data captured by law enforcement agencies are often not comparable across agencies, and in some cases, not comparable across years because of adjustments made to the collection and reporting methods throughout the years. For this reason, SAC staff analyzed county case processing times using adjudicated felony charges (excluding first-degree homicide charges) available in the Arizona Computerized Criminal History (ACCH) repository, maintained by the Arizona Department of Public Safety (DPS). Within the ACCH repository, cases were identified by the court case number and the county in which disposition court proceedings occurred. The earliest date of initial arrest for all charges included in a certain case was used as a proxy for the date of arraignment. The latest date of disposition (excluding appellate court dates) listed for a single case was used as the adjudication date. Case processing data received from the ACCH repository includes the following disposition findings: 1) guilty verdicts, 2) nolo contendere pleas, 3) pleas to other charges, 4) deferred sentencing, 5) deferred prosecution, 6) acquittals, 7) court dismissals, and 8) findings of no responsibility due to insanity. Any cases leading to appellate court findings are excluded from analysis since original court dates are overwritten by the appellate court dates in the ACCH repository.

Each fiscal year analyzed is standardized to include the previous ten years of arrest charges. For example, if a case was adjudicated in FY2011, the arrest charges that initiated the case may have occurred between calendar years 2001 to 2010. Previous research conducted by the SAC revealed that 36.4 percent of calendar year 2015 (January 1, 2015 – December 31, 2015) felony arrest charges entered into the ACCH by December 31, 2016 were missing subsequent disposition information.⁴ Therefore, standardizing the data is necessary to assure reliable measurement for trend analyses.

Data reported for FY2016 and FY2018 differ from data in previous reports because charges that were recorded under the same individual court case number for a particular defendant were aggregated to create one case. For example, if a defendant received five arrest charges during one arrest incident, these charges were aggregated to create one case instead of five individual cases. This reconstruction of the data was completed to avoid analyzing duplicate information for situations in which multiple charges are applied to one case, and to provide more accurate information on the number of cases adjudicated in a given year. Additionally, the ACCH analyses do not identify statistics specifically for in-custody versus out of custody defendant cases, and do not account for time delays (e.g., warrant status, court delays, trial continuances, diversion, etc.) that should be excluded from case processing time measures per the rules set by the Arizona Supreme Court. While there are limitations to using ACCH data to analyze case processing times, the data do provide a uniform measurement tool for statistics relating to each county. Thus, the ACCH tables should be used as a conservative estimate to gauge overall

⁴ Completeness of Criminal History Records in Arizona, CY 2006-2015. (2017, July). Retrieved from http://azcjc.gov/sites/default/files/pubs/ACJC_Data_Brief_Completeness_of_Criminal_History_Records_in_Arizona_CY2006-2015.pdf.

changes in case processing times rather than an exact measurement of case processing time frames.

REPORT LAYOUT

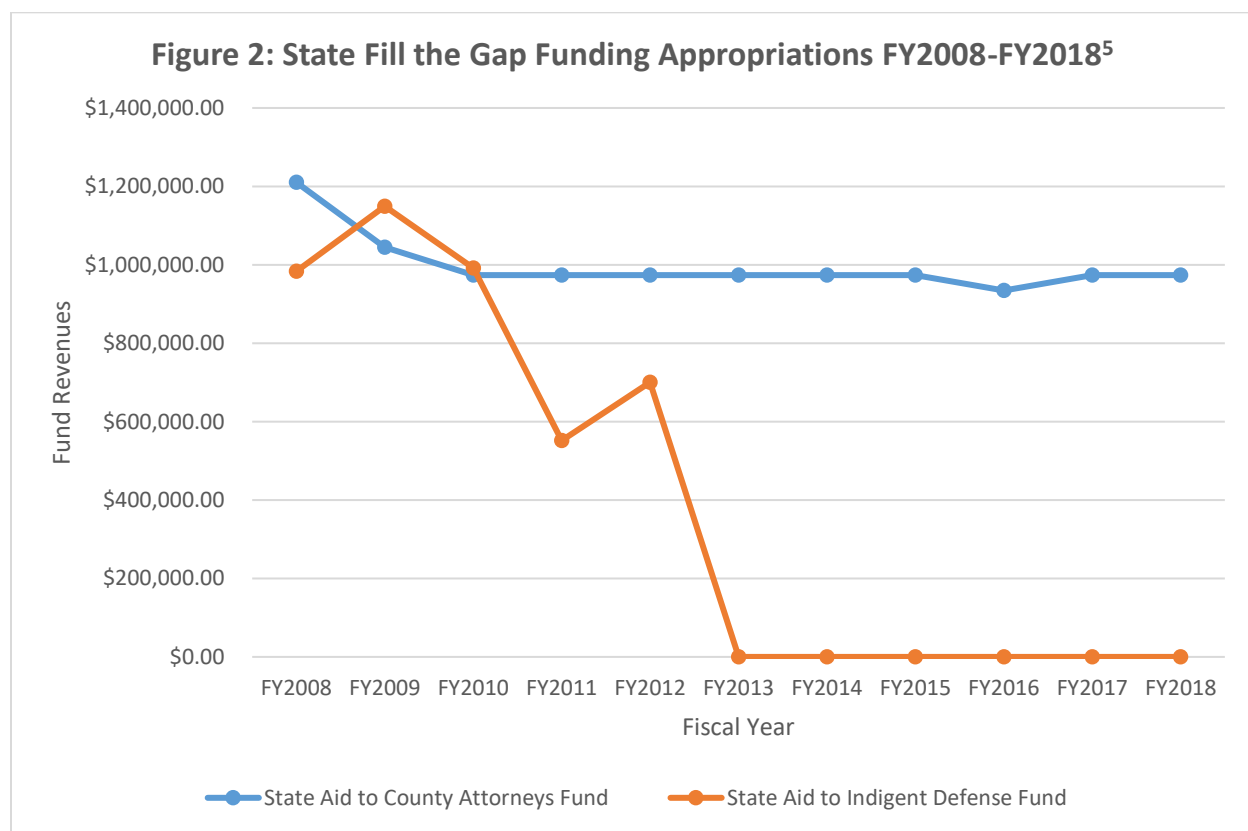
This report is organized into two sections, titled “State Fill the Gap Funding” and “ACCH Repository Data.” The first section provides an overview of FY2018 funding from the State Aid to County Attorneys Fund. This overview is followed by county profiles which list brief summaries of balances, allocations, and expenditures to describe how each entity used existing funds to improve case processing times. County profiles also include self-reported case processing statistics and any comments regarding factors effecting case processing within a specific jurisdiction. The second section provides information on the data analyzed from the Arizona Computerized Criminal History (ACCH) Repository by the ACJC. ACCH data were analyzed to provide an additional resource for reviewing progress in reducing case processing times.

Appendix A provides a summary of current population estimates for each county as well as each county’s estimated population growth. Appendix B provides an overview of the State Fill the Gap allocation changes from FY2008 to FY2018. Appendix C provides a breakdown of fund balances, allocations, funds received, and expenditures by County Attorney offices. Appendix D provides a statewide summary list of State FTG expenditures reported during FY2018. Appendices E and F include the Arizona Revised Statutes and Arizona Supreme Court Rules relevant to State FTG funds administered by the ACJC.

STATE FILL THE GAP FUNDING

History of Fill the Gap Funding

In 2000, Fill the Gap legislation generated funds to help support county attorneys, indigent defense agencies, and superior courts improve case processing time in the state. From fiscal year 2000 to 2009, county attorney agencies and indigent defense agencies were provided funds to support this effort from the Arizona General Fund and Criminal Justice Enhancement Fund (CJEF). In FY2010, monies from the Arizona General Fund were eliminated from State FTG appropriations. Other budgetary cuts caused a reduction in the amount of fine revenues that were allocated to the FTG funding accounts during this same fiscal year. Due to these budgetary adjustments, monies allocated from the State Aid to County Attorneys Fund and State Aid to Indigent Defense Fund decreased from FY2009 to FY2010. In the 2011 Arizona legislative session, the fine revenue funds for the indigent defense program were redirected to fund other state efforts. Since FY2012, indigent defense agencies have not received monies from the State Aid to Indigent Defense fund.



⁵ During FY2010, Arizona General Fund appropriations were no longer allocated to the State FTG program. A shortfall in the Arizona budget also caused a reduction in monies distributed to each county. Due to budgetary adjustments, monies in the Indigent Defense Fund have been redirected to support other state programs since FY2012.

State Aid to County Attorneys Fund

In FY2018, the State Aid to County Attorneys Fund increased by 8.6 percent from FY2017. County attorney agencies were appropriated a total of \$973,700.00 in FY2018 State FTG funds, but only \$790,397 was made available and distributed during the fiscal year. Table 1 lists the funding allocation changes for each county, and the following pages provide specific financial breakdowns of fund balances and expenditures during FY2018.

Table 1. State Fill the Gap Fund Allocation Changes for County Attorneys^a FY2017 – FY2018			
County	FY2017	FY2018	Difference
Apache	\$5,761	\$7,151	24.1%
Cochise	\$11,732	\$14,441	23.1%
Coconino	\$14,415	\$16,120	11.8%
Gila	\$6,921	\$7,917	14.4%
Graham	\$5,225	\$5,797	10.9%
Greenlee	\$1,270	\$1,399	10.2%
La Paz	\$2,899	\$3,571	23.2%
Maricopa	\$450,046	\$479,182	6.5%
Mohave	\$22,629	\$24,978	10.4%
Navajo	\$12,784	\$13,853	8.4%
Pima	\$96,969	\$106,109	9.4%
Pinal	\$42,593	\$52,480	23.2%
Santa Cruz	\$4,482	\$4,621	3.1%
Yavapai	\$25,569	\$30,224	18.2%
Yuma	\$21,510	\$22,554	4.8%
Total^b	\$727,805	\$790,397	8.6%

^a The allocation is the distributed revenue based on the statutory formula. These amounts include monies distributed from Quarter 1 through Quarter 4 for each fiscal year regardless of time of receipt.

^b The total for FY2018 is the amount reported to the Arizona Criminal Justice Commission by County Attorney's offices. Discrepancies may occur between what an agency reports and what the ACJC's financial records reflect.

State Aid to Indigent Defense Fund

Indigent defense agencies did not receive Fill the Gap funding for FY2018 due to adjustments established in the legislation in FY2011. In FY2018, monies from the State Aid to Indigent Defense Fund were redirected to the Attorney General budget to fund capital post-conviction prosecutions, and to the Department of Public Safety (DPS) for operational costs associated with the Arizona Counter Terrorism Information Center. This report does not include specific financial information regarding the balances and expenditures for indigent defense agencies.

Apache County

Apache County Attorney's Office

In FY2018, the Apache County Attorney's Office reports using FTG funds for the purchase and maintenance of a new case management system. The Fill the Gap funds help improve and maintain new case management systems that increase the efficiency of case processing time.

Table 2. Apache County Attorney's Office Balances and Expenditures of State Fill the Gap Funds FY2018

	Beginning Balance	Funds Received	Interest Earned	Fund Expenditures ^a	Ending Balance
Apache County Attorney's Office	\$12,865.45	\$7,151.39	\$0.00	\$0.00	\$20,016.84

^a Fund Expenditures have not been reported.

The County Attorney's Office reported that utilizing a new case management system and working collaboratively with law enforcement agencies to get the reports necessary to file on felony cases as soon as possible helped case processing times.

Negative factors that affected case processing in Apache County are attributed to the defense requesting several motions to continue in order to work on plea agreements, conduct defense interviews, and receive additional time for their own investigation.

In FY2018, the Apache County Attorney's Office reported the following:

- There were a total of 727 felony cases filed, an increase from 721 total felony cases filed in FY2017.
- The agency reported that 36.0 percent of felony cases were adjudicated within 180 days of filing.

Table 3. Apache County Attorney's Office Felony Case Processing Statistics FY2014-FY2018

Cases Included in FY2018 Statistics: All Adult and Juvenile Felony Cases, Except Probation Violation Revocations and Appeals

	FY2014 ^a	FY2015 ^b	FY2016 ^b	FY2017 ^c	FY2018
Percent of Felony Cases Adjudicated within 180 Days of Filing ^d	50.0%	66.0%	77.0%	47.0%	36.0%
Total Felony Cases Filed	426	393	600	721	727

^a FY2011 through FY2014 cases also exclude time on warrant status.

^b FY2015 and FY2016 cases exclude juvenile cases, probation violation revocations, and case appeals.

^c Due to changes in the report, comparisons should not be made between FY2017's percent and total felony case statistics and previous years' percent and total felony cases statistics.

^d In some instances, counties only reported the total felony cases filed and not the percent adjudicated within 180 days of filing.

Cochise County

Cochise County Attorney's Office

In FY2018, the Cochise County Attorney's Office reported using FTG funds to pay for attorney and clerk positions. The Fill the Gap funds helped maintain the necessary positions to help keep up with the volume of cases the agency needs to prosecute.

Table 4. Cochise County Attorney's Office Balances and Expenditures of State Fill the Gap Funds FY2018

	Beginning Balance	Funds Received	Interest Earned	Fund Expenditures	Ending Balance
Cochise County Attorney's Office	\$39,572.38	\$14,441.00	\$438.99	(\$9,384.46)	\$45,067.91

The County Attorney's Office reported the importance of working collaboratively with their law enforcement agency partners that affected processing time positively. The agency has very productive working relationship with Border Patrol, ICE, DEA, and the U.S. Attorney's Office.

Negative factors that affected case processing in Cochise County include an unexpected staffing shortage with six out of 11 attorneys in the criminal division retiring or resigning within a short period of time. This incident contributed to a slower case processing time, but the agency reports being fully staffed once again.

In FY2018, the Cochise County Attorney's Office reported the following:

- There were a total of 858 total felony cases filed, a decrease from the 882 cases filed in FY2017.
- The agency did not provide statistics on felony cases that were adjudicated within 180 days of filing.

Table 5. Cochise County Attorney's Office Felony Case Processing Statistics FY2014-FY2018

Cases Included in FY2018 Statistics: All Adult and Juvenile Felony Cases

	FY2014 ^a	FY2015 ^a	FY2016 ^a	FY2017 ^b	FY2018
Percent of Felony Cases Adjudicated within 180 Days of Filing ^c	78.0%	68.0%	71.0%	--	--
Total Felony Cases Filed	859	581	1,011	882	858

^a FY2011 through FY2015 statistics include indicted or direct information felony cases filed, except for Warrant and Adult Diversion cases.

^b Due to changes in the report, comparisons should not be made between FY2017's percent and total felony case statistics and previous years' percent and total felony cases statistics. Changes in methodology for the FY2017 report asked counties the percent of cases adjudicated in-custody and out of custody. Some counties did not have a tracking system for in-custody and out of custody filed cases. The counties that reported in-custody and out of custody filed cases can be viewed in Appendix E.^c In some instances, counties only reported the total felony cases filed and not the percent adjudicated within 180 days of filing.

Coconino County

Coconino County Attorney's Office

In FY2018, the Coconino County Attorney's Office reported using FTG funds for the partial salaries of one deputy county attorney position and one legal assistant position. The Fill the Gap funds helped maintain the timely charging of the cases referred to the agency.

Table 6. Coconino County Attorney's Office Balances and Expenditures of State Fill the Gap Funds FY2018

	Beginning Balance	Funds Received	Interest Earned	Fund Expenditures	Ending Balance
Coconino County Attorney's Office	\$0.00	\$16,120.00	\$0.00	(\$16,120.00)	\$0.00

The County Attorney's Office reported the importance of continuously discussing case processing improvements with the Criminal Justice Coordinating Council and the Felony Task Force. For FY2018, new guidelines were implemented to improve case processing for the agency including increased prosecutor discretion for plea agreements and that a plea be offered before the first Case Management Conference.

Negative factors that affected case processing in Coconino County are attributed to staffing changes and vacancies during FY2018, shifting caseloads among attorneys, as well as defense counsel delays and multiple continuances. Continuances were requested to allow additional time for lab results, medical records, Recovery Court evaluations to determine eligibility, among other reasons.

In FY2018, the Coconino County Attorney's Office reported the following:

- There were a total of 827 felony cases filed, an increase from 676 total felony cases filed in FY2017.
- The agency reported that 48.0 percent of felony cases were adjudicated within 180 days of filing.

Table 7. Coconino County Attorney's Office Felony Case Processing Statistics FY2014-FY2018

Cases Included in FY2018 Statistics: All Felony Cases Arraigned in FY2018, Excluding Days on Warrant Status.

	FY2014	FY2015	FY2016	FY2017 ^a	FY2018
Percent of Felony Cases Adjudicated within 180 Days of Filing	50.0%	51.0%	51.0%	--	48.0%
Total Felony Cases Filed ^b	978	735	735	676	827

^a Due to changes in the report, comparisons should not be made between FY2017's percent and total felony case statistics and previous years' percent and total felony cases statistics. Changes in methodology for the FY2017 report asked counties the percent of cases adjudicated in-custody and out of custody. Some counties did not have a tracking system for in-custody and out of custody filed cases. The counties that reported in-custody and out of custody filed cases can be viewed in Appendix E.

^b In some instances, counties only reported the total felony cases filed and not the percent adjudicated within 180 days of filing.

Gila County

Gila County Attorney's Office

In FY2018, the Gila County Attorney's Office intended to use the majority of FTG funds to purchase a new case management system but was unable to do so because of delays in the request for proposals (RFPs). The Gila County Attorney's Office utilized Fill the Gap funds to update equipment and technology to track progress of criminal cases.

Table 8. Gila County Attorney's Office Balances and Expenditures of State Fill the Gap Funds FY2018

	Beginning Balance	Funds Received	Interest Earned	Fund Expenditures	Ending Balance
Gila County Attorney's Office	\$70,778.43	\$7,026.410	\$695.97	(\$2,032.15)	\$76,468.65

The County Attorney's Office that being able to directly access law enforcement databases for police reports as well as court minute entries from court equipment had positive impacts on case processing.

Negative factors that affected cases processing in Gila County are attributed to staff shortages, outdated equipment, and an incomplete case management system. The County Attorney's Office also encounters delays when requesting follow-up information from law enforcement, which results in delays in filing out-of-custody complaints.

In FY2018, the Gila County Attorney's Office reported the following:

- There were a total of 560 felony cases filed, the total number remaining the same from 560 felony cases filed in FY2017.
- The agency reported that 110.0 percent of felony cases were adjudicated within 180 days of filing.

Table 9. Gila County Attorney's Office Felony Case Processing Statistics FY2014-FY2018

Cases Included in FY2018 Statistics: All Felony Cases Filed in FY2018, Excluding Days on Warrant Status or Days Excluded by the Court for Delays.

	FY2014	FY2015	FY2016	FY2017 ^a	FY2018
Percent of Felony Cases Adjudicated within 180 Days of Filing	79.0%	65.0%	70.0%	--	110.0%
Total Felony Cases Filed ^b	344	512	644	560	560

^a Due to changes in the report, comparisons should not be made between FY2017's percent and total felony case statistics and previous years' percent and total felony cases statistics. Changes in methodology for the FY2017 report asked counties the percent of cases adjudicated in-custody and out of custody. Some counties did not have a tracking system for in-custody and out of custody filed cases. The counties that reported in-custody and out of custody filed cases can be viewed in Appendix E.

^b In some instances, counties only reported the total felony cases filed and not the percent adjudicated within 180 days of filing.

Graham County

Graham County Attorney's Office

In FY2018, the Graham County Attorney's Office intended to use FTG funds for office maintenance and to pay for their annual case management maintenance fee and their annual copy machine maintenance fee. The Fill the Gap funds allowed the agency to purchase the equipment necessary to keep the office running smoothly as well as updating their fees to maintain their case management system and their copy machine.

Table 10. Graham County Attorney's Office Balances and Expenditures of State Fill the Gap Funds FY2018

	Beginning Balance ^a	Funds Received	Interest Earned	Fund Expenditures	Ending Balance
Graham County Attorney's Office	\$17,337.00	\$6,379.00	\$198.52	(\$4,883.00)	\$19,031.52

^a The beginning balance reported by the Graham County Attorney's Office is different from ACJC records. Discrepancies may occur between what an agency reports and what the ACJC's financial records reflect.

The County Attorney's Office reported that making plea offers at preliminary hearings and working collaboratively with defense attorneys help get cases adjudicated as quickly as possible.

Negative factors that affected case processing in Graham County are attributed to lack of financial resources. Other issues resulted from officers being unable to testify at hearings, conflicts in attorneys' schedules for hearings, defendants who did not appear for hearings, and plea offers that needed to be reviewed by attorneys and their clients who were negotiating plea agreements.

In FY2018, the Graham County Attorney's Office reported the following:

- There were a total of 422 felony cases filed, a decrease from the 492 felony cases filed in FY2017.
- The agency reported that 67.0 percent of felony cases were adjudicated within 180 days of filing.

Table 11. Graham County Attorney's Office Felony Case Processing Statistics FY2014-FY2018

Cases Included in FY2018 Statistics: All Felony Cases Filed in the Superior Court

	FY2014	FY2015	FY2016	FY2017 ^a	FY2018
Percent of Felony Cases Adjudicated within 180 Days of Filing ^b	72.0%	58.0%	72.2%	--	67.0%
Total Felony Cases Filed	406	390	435	492	422

^a Due to changes in the report, comparisons should not be made between FY2017's percent and total felony case statistics and previous years' percent and total felony cases statistics. Changes in methodology for the FY2017 report asked counties the percent of cases adjudicated in-custody and out of custody. Some counties did not have a tracking system for in-custody and out of custody filed cases. The counties that reported in-custody and out of custody filed cases can be viewed in Appendix E.

^b In some instances, counties only reported the total felony cases filed and not the percent adjudicated within 180 days of filing.

Greenlee County

Greenlee County Attorney's Office

In FY2018, the Greenlee County Attorney's Office reported using FTG funds for office supplies. The office supplies were necessary for keeping case files in order, producing court documents, disclosures for defense, storing, docketing, and all other necessary functions in keeping track of current files and archiving completed files. The Fill the Gap funds allowed the agency to purchase administrative supplies to make their office and case tracking run more smoothly.

Table 12. Greenlee County Attorney's Office Balances and Expenditures of State Fill the Gap Funds FY2018					
	Beginning Balance	Funds Received	Interest Earned	Fund Expenditures	Ending Balance
Greenlee County Attorney's Office	\$3.00	\$1,723.00	\$0.00	(\$1,392.74)	\$333.26

The County Attorney's Office reported that several successful collaborations between their agency and local law enforcement agencies positively affected case processing in Greenlee County.

Negative factors that affected case processing in Greenlee County are attributed to continuances, scheduling problems with other courts, and delays in receiving reports from law enforcement agencies.

In FY2018, Greenlee County Attorney's Office reported the following:

- There were a total of 112 felony cases filed, an increase from the 99 felony cases filed in FY2017.
- The agency reported that 94.0 percent of felony cases were adjudicated within 180 days of filing.

Table 13. Greenlee County Attorney's Office Felony Case Processing Statistics FY2014-FY2018					
Cases Included in FY2018 Statistics: All Felony Cases Filed by the County Attorney					
	FY2014	FY2015	FY2016	FY2017^a	FY2018
Percent of Felony Cases Adjudicated within 180 Days of Filing ^b	83.0%	94.0%	94.0%	--	94.0%
Total Felony Cases Filed	170	124	127	99	112

^a Due to changes in the report, comparisons should not be made between FY2017's percent and total felony case statistics and previous years' percent and total felony cases statistics. Changes in methodology for the FY2017 report asked counties the percent of cases adjudicated in-custody and out of custody. Some counties did not have a tracking system for in-custody and out of custody filed cases. The counties that reported in-custody and out of custody filed cases can be viewed in Appendix E.

^b In some instances, counties only reported the total felony cases filed and not the percent adjudicated within 180 days of filing.

La Paz County

La Paz County Attorney's Office

In FY2018, the La Paz County Attorney's Office reported using FTG funds for various trainings for prosecutors. These trainings were critical for keeping staff up-to-date on issues relating to prosecution. The Fill the Gap funds allowed the agency to provide case management training. The agency stated that the current amount that is allocated to the agency will not be enough to sustain future training and technical support.

Table 14. La Paz County Attorney's Office Balances and Expenditures of State Fill the Gap Funds FY2018

	Beginning Balance	Funds Received	Interest Earned	Fund Expenditures	Ending Balance
La Paz County Attorney's Office	\$12,271.25	\$4,398.00	\$72.13	(\$3,342.74)	\$13,398.64

The County Attorney's Office reported that the Superior Court acquired a new system to run current and reliable court statistical data for the County Attorney's office's reporting requirements. This positively impacted case processing.

The County Attorney's Office reported that a decrease in funding negatively impacted case processing in La Paz County. Adequate funding is critical to keep staff trained on the agency's case management system. Depletion of these funds would further affect case processing in the future.

In FY2018, La Paz County Attorney's Office reported the following:

- There were a total of total of 364 felony cases filed, a decrease from a total of 375 felony cases filed in FY2017.
- The agency reported that 50.0 percent of felony cases were adjudicated within 180 days of filing.

Table 15. La Paz County Attorney's Office Felony Case Processing Statistics FY2014-FY2018

Cases Included in FY2018 Statistics: All Felony Cases Filed in FY2018.

	FY2014	FY2015	FY2016	FY2017 ^a	FY2018
Percent of Felony Cases Adjudicated within 180 Days of Filing ^b	74.0%	50.0%	52.0%	--	50.0%
Total Felony Cases Filed	264	261	324	375	364

^a Due to changes in the report, comparisons should not be made between FY2017's percent and total felony case statistics and previous years' percent and total felony cases statistics. Changes in methodology for the FY2017 report asked counties the percent of cases adjudicated in-custody and out of custody. Some counties did not have a tracking system for in-custody and out of custody filed cases. The counties that reported in-custody and out of custody filed cases can be viewed in Appendix E.

^b In some instances, counties only reported the total felony cases filed and not the percent adjudicated within 180 days of filing.

Maricopa County

Maricopa County Attorney's Office

In FY2018, the Maricopa County Attorney's Office reported using FTG funds to support salaries, overtime, and benefits for twelve Legal Support positions for their office. The positions help improve case processing time and efficiency for the agency by processing cases submitted by law enforcement for prosecution, opening new case files and preparing charging, grand jury, preliminary hearing, and arraignment paperwork. The Fill the Gap funds allowed the County Attorney's Office to fund support staff positions who ensure timely filing of criminal charges. The funding of support staff positions helps the Maricopa County Attorney's Office get close to its long term goal of transitioning to a paperless submittal system that will reduce the time and cost to adjudicate criminal cases.

Table 16. Maricopa County Attorney's Office Balances and Expenditures of State Fill the Gap Funds FY2018

	Beginning Balance ^a	Funds Received	Interest Earned	Fund Expenditures	Ending Balance
Maricopa County Attorney's Office	\$216,967.00	\$479,182.00	\$3,822.56	(\$509,742.98)	\$190,228.58

^a The beginning balance reported by the Maricopa County Attorney's Office is different from ACJC records. Discrepancies may occur between what an agency reports and what the ACJC's financial records reflect.

The County Attorney's Office reported the collaborative efforts to develop electronic case submittal and information sharing processes had positive impacts on case processing in Maricopa County. As these systems become more operational, the agency predicts that case processing in Maricopa County will become more efficient and streamlined.

Factors that negatively affected case processing in Maricopa County included a high volume of case submittals and strict deadlines set forth by criminal statute and rules of criminal procedure. The agency is in the process of conducting operational studies of internal practices to identify inefficiencies and implement strategic changes as needed.

In FY2018, the Maricopa County Attorney's Office reported the following:

- There were a total of 31,569 felony cases filed, an increase from a total of 29,151 felony cases filed in FY2017.
- The agency reported that 20,416 total felony cases were adjudicated within 180 days of filing.

Table 17. Maricopa County Attorney's Office Felony Case Processing Statistics FY2014-FY2018

Cases Included in FY2018 Statistics: Felony Cases Disposed in FY2018 Except Homicide, Complex Cases, Appeals, Conflicts, Purged Cases, Probation Violations, and Post-Convictions.

	FY2014	FY2015	FY2016	FY2017 ^a	FY2018
Percent of Felony Cases Adjudicated within 180 Days of Filing ^b	85.0%	79.1%	79.1%	--	--
Total Felony Cases Filed	20,226	30,909	30,909	29,151	31,569

^a Due to changes in the report, comparisons should not be made between FY2017's percent and total felony case statistics and previous years' percent and total felony cases statistics. Changes in methodology for the FY2017 report asked counties the percent of cases adjudicated in-custody and out of custody. Some counties did not have a tracking system for in-custody and out of custody filed cases. The counties that reported in-custody and out of custody filed cases can be viewed in Appendix E.

^b In some instances, counties only reported the total felony cases filed and not the percent adjudicated within 180 days of filing.

Mohave County

Mohave County Attorney's Office

In FY2018, the Mohave County Attorney's Office reported using FTG funds to support a portion of the salary of one prosecutor as well as positions in the Victim Services division. The Fill the Gap funds were critical to improving the agency's work flow by updating and replacing old technology as well as using the funds to provide advanced training out of state.

Table 18. Mohave County Attorney's Office Balances and Expenditures of State Fill the Gap Funds FY2018

	Beginning Balance	Funds Received	Interest Earned	Fund Expenditures	Ending Balance
Mohave County Attorney's Office	\$0.00	\$24,978.30	\$0.00	(\$24,978.30)	\$0.00

The County Attorney's Office reported that experienced support staff aids have as positive impacts on case processing. Having knowledgeable support staff helps ensure that all the work is completed in a timely manner.

Negative factors that affected case processing in Mohave County included staffing issues at the Public Defender's Office as well as a large increase in filed felony cases. The staffing issues caused the case load to increase and case adjudication to be slower. As a result, cases were often contracted to outside attorneys, increasing the time to adjudication.

In FY2018, the Mohave County Attorney's Office reported the following:

- There were a total of 2,980 total felony cases filed, an increase from a total of 2,626 felony cases filed in FY2017.
- The agency reported a 44.1 percent of felony cases that were adjudicated within 180 days of filing.

Table 19. Mohave County Attorney's Office Felony Case Processing Statistics FY2014-FY2018

Cases Included in FY2018 Statistics: All Felony Adult Cases, Felony Juvenile Cases, and Felony Drug Cases					
	FY2014	FY2015	FY2016	FY2017^a	FY2018
Percent of Felony Cases Adjudicated within 180 Days of Filing ^b	77.0%	78.0%	82.6%	--	44.1%
Total Felony Cases Filed	2,418	2,344	2,646	2,626	2,980

^a Due to changes in the report, comparisons should not be made between FY2017's percent and total felony case statistics and previous years' percent and total felony cases statistics. Changes in methodology for the FY2017 report asked counties the percent of cases adjudicated in-custody and out of custody. Some counties did not have a tracking system for in-custody and out of custody filed cases. The counties that reported in-custody and out of custody filed cases can be viewed in Appendix E.

^b In some instances, counties only reported the total felony cases filed and not the percent adjudicated within 180 days of filing.

Navajo County

Navajo County Attorney's Office

In FY2018, the Navajo County Attorney's Office reported using FTG funds for annual case management and communication software payments. These systems provide server and document storage support, which assist in case processing. The Fill the Gap funds provide critical support to the agency's infrastructure.

Table 20. Navajo County Attorney's Office Balances and Expenditures of State Fill the Gap Funds FY2018					
	Beginning Balance ^a	Funds Received	Interest Earned	Fund Expenditures	Ending Balance
Navajo County Attorney's Office	\$3,398.13	\$13,853.00	\$127.49	(\$12,000.00)	\$1,417.64

^a The beginning balance reported by the Navajo County Attorney's Office is different from ACJC records. Discrepancies may occur between what an agency reports and what the ACJC's financial records reflect.

The County Attorney's Office reported that the ability of their case management system to interface with other agencies positively impacted case processing. The agency is working on two initiatives that will allow their case management system to interface with a law enforcement agency and the public defender's office. These interfaces will allow case information to be transferred electronically, speeding up case processing.

Negative factors that affected case processing in Navajo County included an increase in cases filed since FY2016 as well as changing attorneys for their agency to improve quality of evidence and incident reports received from law enforcement. The agency is also handling more complex cases, creating a backlog due to the time that is required to prosecute these cases. Delay tactics are also implemented from the defense attorneys, which affect the total number of cases open and closed.

In FY2018, the Navajo County Attorney's Office reported the following:

- There were a total of 1,548 felony cases filed, an increase from a total of 1,398 felony cases filed in FY2017.
- The agency reported a 32.0 percent of felony cases that were adjudicated within 180 days of filing.
-

Table 21. Navajo County Attorney's Office Felony Case Processing Statistics FY2014-FY2018					
Cases Included in FY2018 Statistics: All Felony Cases Filed in FY2018					
	FY2014	FY2015	FY2016	FY2017^a	FY2018
Percent of Felony Cases Adjudicated within 180 Days of Filing ^b	32.0%	34.0%	62.0%	31.0%	32.0%
Total Felony Cases Filed	1,166	1,087	1,580	1,398	1,548

^a Due to changes in the report, comparisons should not be made between FY2017's percent and total felony case statistics and previous years' percent and total felony cases statistics. Changes in methodology for the FY2017 report asked counties the percent of cases adjudicated in-custody and out of custody. Some counties did not have a tracking system for in-custody and out of custody filed cases. The counties that reported in-custody and out of custody filed cases can be viewed in Appendix E.

^b In some instances, counties only reported the total felony cases filed and not the percent adjudicated within 180 days of filing.

Pima County

Pima County Attorney's Office

For FY2018, the Pima County Attorney's Office reported using FTG funds supplement salaries for legal and administrative support staff and prosecutors as well as managing technology improvements in criminal case management programming, software and hardware upgrades. The Fill the Gap funds provide support for personnel and technology necessary for case processing.

Table 22. Pima County Attorney's Office Balances and Expenditures of State Fill the Gap Funds FY2018

	Beginning Balance	Funds Received	Interest Earned	Fund Expenditures	Ending Balance
Pima County Attorney's Office	\$261,137.07	\$106,109.00	\$8,978.30	(\$92,998.14)	\$283,226.23

The County Attorney's Office reported that the collaboration of criminal justice agencies using innovative technology to provide enhanced prosecution positively impacted case processing. Agencies have begun transferring files electronically, which has improved case processing.

Negative factors that affected case processing in Pima County included an increase in case load. Pima County has continued to maintain a higher crime rate per 100,000 populations compared to the nation's average during CY2017. Other negative impacts on case processing included personnel decreases in state and local police departments and an increase in the number of reported crimes and arrests.

In FY2018, the Pima County Attorney's Office reported the following:

- There were a total of 5,951 felony cases filed, an increase compared to a total of 5,774 felony cases filed in FY2017.
- The agency could not provide a percentage for the felony cases adjudicated within 180 days of filing as they do not have the capability to collect this data. The information was reported by the Pima County Superior Court to the Pima County Attorney's Office as an alternative.

Table 23. Pima County Attorney's Office Felony Case Processing Statistics FY2014-FY2018

Cases Included in FY2018 Statistics: All Felony Cases that were filed or adjudicated within FY2018.					
	FY2014	FY2015	FY2016	FY2017^a	FY2018
Percent of Felony Cases Adjudicated within 180 Days of Filing ^{b,c}	75.0%	70.0%	75.0%	--	--
Total Felony Cases Filed	6,057	5,621	5,539	5,774	5,951

^a Due to changes in the report, comparisons should not be made between FY2017's percent and total felony case statistics and previous years' percent and total felony cases statistics. Changes in methodology for the FY2017 report asked counties the percent of cases adjudicated in-custody and out of custody. Some counties did not have a tracking system for in-custody and out of custody filed cases. The counties that reported in-custody and out of custody filed cases can be viewed in Appendix E.

^b In some instances, counties only reported the total felony cases filed and not the percent adjudicated within 180 days of filing.

Pinal County

Pinal County Attorney's Office

In FY2018, the Pinal County Attorney's Office reports using FTG funds to support the salaries and employee-related expenses of two Legal Secretary II positions. The Fill the Gap funds are critical in providing personnel support to improve case processing for the agency. The Legal Secretary II positions are critical to processing criminal cases, preparing cases, filing documents in a timely manner, and managing the case through adjudication. The Pinal County Attorney's Office reports supporting personnel and improved relations with law enforcement agencies as positive impacts on case processing time.

Table 24. Pinal County Attorney's Office Balances and Expenditures of State Fill the Gap Funds FY2018

	Beginning Balance	Funds Received	Interest Earned	Fund Expenditures	Ending Balance
Pinal County Attorney's Office	\$0.00	\$52,480.00	\$78.81	(\$52,558.81)	\$0.00

The County Attorney's Office reported that law enforcement relationships have improved over the past years, positively impacting case processing. The Intake Department of the County Attorney's Office established great means of communications with various law enforcement agencies, which contributed to obtaining case information needed within the time restraint.

Negative factors that affected case processing in Pinal County are attributed to time restraints. Once a suspect is arrested, the agency has two business days to receive arrest reports from law enforcement agencies, review the report, and determine changes. However, the agency experienced not receiving the reports until the final business day, which increases the pressure put on staff to complete the paperwork within the required timeframe.

In FY2018, the Pinal County Attorney's Office reported the following:

- There were a total of 2,874 felony cases filed, a decrease compared to the total of 3,401 felony cases filed in FY2017.
- The agency reported 46.4 percent of felony cases that were adjudicated within 180 days of filing.

Table 25. Pinal County Attorney's Office Felony Case Processing Statistics FY2014-FY2018

Cases Included in FY2018 Statistics: Felony Cases Adjudicated in FY2018					
	FY2014	FY2015	FY2016	FY2017^a	FY2018
Percent of Felony Cases Adjudicated within 180 Days of Filing ^{b,c}	58.0%	60.0%	56.3%	--	46.4%
Total Felony Cases Filed	2,672	1,258	4,005	3,401	2,874

^a Due to changes in the report, comparisons should not be made between FY2017's percent and total felony case statistics and previous years' percent and total felony cases statistics. Changes in methodology for the FY2017 report asked counties the percent of cases adjudicated in-custody and out of custody. Some counties did not have a tracking system for in-custody and out of custody filed cases. The counties that reported in-custody and out of custody filed cases can be viewed in Appendix E.

^bIn some instances, counties only reported the total felony cases filed and not the percent adjudicated within 180 days of filing.

Santa Cruz County

Santa Cruz County Attorney's Office

In FY2018, the Santa Cruz County Attorney's Office reported using FTG funds to support the salaries of temporary legal assistants, allowing the office to move cases through their system more efficiently and effectively. The Fill the Gap funds also enabled permanent staff members to perform case file management tasks in a timely manner.

Table 26. Santa Cruz County Attorney's Office Balances and Expenditures of State Fill the Gap Funds FY2018

	Beginning Balance ^a	Funds Received	Interest Earned	Fund Expenditures	Ending Balance
Santa Cruz County Attorney's Office	\$8,207.17	\$4,621.00	\$0.00	(\$11,792.58)	\$1,035.59

^a The beginning balance reported by the Santa Cruz County Attorney's Office is different from ACJC records. Discrepancies may occur between what an agency reports and what the ACJC's financial records reflect.

The County Attorney's Office reported that the ability to hire temporary legal assistants creates a more efficient and effective case processing system, which positively impacts case processing.

The current computer operating system was reported as a negative factor influencing case processing in Santa Cruz County. Specifically, the system does not allow the agency to track the adjudication time frames. In addition, the agency experienced continuances mostly related to attorney availability, plea negotiations, or disclosure-related issues, which impacted case processing.

As in FY2017, the Santa Cruz County Attorney's Office attributed the lack of recorded adjudication time frames to their current case management system. The office has not reported case processing statistics from FY2011-FY2018.

Table 27. Santa Cruz County Attorney's Office Felony Case Processing Statistics FY2014-FY2018

Cases Included in FY2018 Statistics: N/A					
	FY2014	FY2015	FY2016	FY2017 ^a	FY2018
Percent of Felony Cases Adjudicated within 180 Days of Filing ^b	Data Not Available	Data Not Available	Data Not Available	Data Not Available	Data Not Available
Total Felony Cases Filed	Data Not Available	Data Not Available	Data Not Available	Data Not Available	Data Not Available

^a Due to changes in the report, comparisons should not be made between FY2017's percent and total felony case statistics and previous years' percent and total felony cases statistics. Changes in methodology for the FY2017 report asked counties the percent of cases adjudicated in-custody and out of custody. Some counties did not have a tracking system for in-custody and out of custody filed cases. The counties that reported in-custody and out of custody filed cases can be viewed in Appendix E.

^b In some instances, counties only reported the total felony cases filed and not the percent adjudicated within 180 days of filing.

Yavapai County

Yavapai County Attorney's Office

In FY2018, the Yavapai County Attorney's Office reported using FTG funds for the salaries and other employee-related expenses for two legal secretaries. The Fill the Gap funds support Yavapai County Attorney's Office staff who enter and upload case information into the case management system, improving case processing.

Table 28. Yavapai County Attorney's Office Balances and Expenditures of ACJC Fill the Gap Funds FY2018

	Beginning Balance	Funds Received	Interest Earned	Fund Expenditures	Ending Balance
Yavapai County Attorney's Office	\$0.00	\$30,224.00	\$0.00	(\$30,224.00)	\$0.00

As a member of the Criminal Justice Coordinating Committee (CJCC), the Yavapai County Attorney's Office reported that it participates in collaborative discussions regarding methods to improve the efficiency of the criminal justice process. The Early Disposition Court (EDC) and the implementation of a new case management system also positively contributed to case processing.

Rule 5.1 of the Rules of Criminal Procedure, which requires that in-custody defendants have a probable cause hearing within 10 days, delays case processing times in Yavapai County. A slightly longer period would facilitate disclosure and provide defense attorneys an opportunity to have a meaningful conversation with their clients prior to the first EDC setting. Currently, many cases are continued to a second EDC to allow for consultation between defense counsel and their client. Cases are also delayed for other reasons including additional discovery, waiting for lab reports, parties working on a non-trial resolution, new charges, and delays for settlement discussions or evidentiary hearings.

In FY2018, the Yavapai County Attorney's Office reported the following:

- There were a total of 2,253 felony cases filed, a decrease compared to a total of 2,348 felony cases filed in FY2017.
- The agency reported 81.2 percent of felony cases adjudicated within 180 days of filing.

Table 29. Yavapai County Attorney's Office Felony Case Processing Statistics FY2014-FY2018

Cases Included in FY2018 Statistics: All Felony Cases Filed in the Yavapai County Court Administration Office					
	FY2014^a	FY2015^a	FY2016^a	FY2017^b	FY2018
Percent of Felony Cases Adjudicated within 180 Days of Filing ^c	78.0%	82.0%	83.6%	--	81.2%
Total Felony Cases Filed	1,780	2,038	2,286	2,348	2,253

^a FY2010 through FY2015 statistics exclude capital murder cases, bench warrants, and time under Rule 11 restoration.

^b Due to changes in the report, comparisons should not be made between FY2017's percent and total felony case statistics and previous years' percent and total felony case statistics. Changes in methodology for the FY2017 report asked counties the percent of cases adjudicated in-custody and out of custody. Some counties did not have a tracking system for in-custody and out of custody filed cases. The counties that reported in-custody and out of custody filed cases can be viewed in Appendix E.

^c In some instances, counties only reported the total felony cases filed and not the percent adjudicated within 180 days of filing.

Yuma County

Yuma County Attorney's Office

In FY2018, the Yuma County Attorney's Office reported using FTG funds to support the salary of the Investigator position. The Fill the Gap funds are critical to helping improve case processing through the position of the Investigator.

Table 30. Yuma County Attorney's Office Balances and Expenditures of State Fill the Gap Funds FY2018

	Beginning Balance	Funds Received	Interest Earned	Fund Expenditures	Ending Balance
Yuma County Attorney's Office	\$0.00	\$22,554.00	\$0.00	\$22,554.00	\$0.00

The County Attorney's Office emphasized the importance of the Investigator position, acknowledging the legal and administrative support the Investigator does in order to help make case processing faster.

Yuma County attributed case processing delays to an increase in felony cases filed since FY2017. The agency has also experienced continuous staff turnover, leaving vacant attorney positions. The Public Defender and the Legal Defender Offices have also experienced frequent turnover, leading to continuances that negatively impact case processing.

In FY2018, the Yuma County Attorney's Office reported the following:

- There were a total of 1,455 felony cases filed, an increase compared to a total of 1,417 felony cases filed in FY2017.
- The agency reported 73.0 percent of felony cases adjudicated within 180 days of filing.

Table 31. Yuma County Attorney's Office Felony Case Processing Statistics FY2014-FY2018

Cases Included in FY2018 Statistics: All Felony Cases Filed in FY2018 Excluding Violations of Probations, Juvenile Cases, or Extraditions

	FY2014	FY2015	FY2016	FY2017 ^a	FY2018
Percent of Felony Cases Adjudicated within 180 Days of Filing ^b	72.0%	76.0%	73.0%	76.0%	73.0%
Total Felony Cases Filed	1,679	1,407	1,301	1,417	1,455

^a Due to changes in the report, comparisons should not be made between FY2017's percent and total felony case statistics and previous years' percent and total felony cases statistics. Changes in methodology for the FY2017 report asked counties the percent of cases adjudicated in-custody and out of custody. Some counties did not have a tracking system for in-custody and out of custody filed cases. The counties that reported in-custody and out of custody filed cases can be viewed in Appendix E.

^b In some instances, counties only reported the total felony cases filed and not the percent adjudicated within 180 days of filing.

ACCH REPOSITORY DATA

To capture data that may be comparable across years, the ACJC SAC analyzed case processing times using data housed in the Arizona Computerized Criminal History (ACCH) repository. This repository is maintained by the Arizona Department of Public Safety (DPS), and is the central repository for all criminal arrest and disposition information recorded in the state. The ACCH was used to identify the percentage of felony cases adjudicated within 180 days of arrest during FY2014 to FY2018. First-degree homicide charges were excluded from the dataset since these cases are not subject to the standardized time frame established in the Arizona Supreme Court Rules of Criminal Procedure. Data presented in this report differ from previous reports because data for this report were analyzed by criminal case instead of individual arrest charges (see Research Methods).

It is important to note that low numbers reported for FY2018 may be due to outstanding case findings that have not yet been entered into the ACCH, or cases that were entered into the ACCH after the data was extracted from the repository in July 2018. Furthermore, data received from the ACCH reflect a different timeline than the standard set out by the Supreme Court Rules of Criminal Procedure. As such, information contained in each chart should not be viewed as an exact measurement of case processing time frames, but rather a means to examine trends from a data source in which information is obtained and analyzed in a consistent fashion.

The following sections report ACCH data for the State of Arizona and its individual counties.

ACCH Case Processing Statistics for the State of Arizona

The results for statewide felony case showed that the State of Arizona has experienced a 20.4 percent decrease in the percentage of felony cases adjudicated within 180 days of arrest from FY2014 to FY2018. There was a slight decrease in the percentage of felony cases adjudicated from FY2017 to FY2018. As of July 2018, the ACCH data show that the median number of days from arrest to felony adjudication has increased from 225 days in FY2014 to 226 days in FY2018. Due to data limitations, there is a possible lack of comparability to prior years.

Table 32. Statewide Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System⁶					
	FY2014	FY2015	FY2016	FY2017	FY2018
Median Number of Days from Arrest (by case number) to Felony Case Adjudication for Finalized Cases in the ACCH	187	194	208	225	226
Percent of Adjudicated Felony Cases (by case number) Finalized within 180 Days of Arrest	48.3%	46.6%	43.4%	40.5%	40.1%
Total Number of Cases Resulting in Felony Adjudication in the ACCH	31,547	32,880	32,862	24,408	27,715

⁶ Ibid.

Apache County

According to data compiled from the ACCH repository, the median number of days from arrest to felony adjudication for Apache County has increased over the four year period. In FY2018, the median number of days from arrest to adjudication was 187 days. The percentage of felony cases adjudicated within 180 days of arrest decreased from 63.3 percent in FY2014 to 48.3 percent in FY2018. Over the same period, the number of cases resulting in felony adjudications decreased from 252 in FY2014 to 130 in FY2017.

Table 33. Apache County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System⁷					
	FY2014	FY2015	FY2016	FY2017	FY2018
Median Number of Days from Arrest (by case number) to Felony Case Adjudication for Finalized Cases in the ACCH	137.5	163	124	138	187
Percent of Adjudicated Felony Cases (by case number) Finalized within 180 Days of Arrest	63.3%	56.6%	72.9%	58.3%	48.3%
Total Number of Cases Resulting in Felony Adjudication in the ACCH	252	56	349	218	130

Cochise County

According to data compiled from the ACCH repository, the median number of days from arrest to felony adjudication for Cochise County has decreased over the four year period. In FY2018, the median number of days from arrest to adjudication was 214 days. The percentage of felony cases adjudicated within 180 days of arrest increased from 43.4 percent in FY2014 to 46.9 percent in FY2018. Over the same period, the number of cases resulting in felony adjudications decreased from 583 in FY2014 to 282 in FY2018.

Table 34. Cochise County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System⁸					
	FY2014	FY2015	FY2016	FY2017	FY2018
Median Number of Days from Arrest (by case number) to Felony Case Adjudication for Finalized Cases in the ACCH	246	195	206	165	214
Percent of Adjudicated Felony Cases (by case number) Finalized within 180 Days of Arrest	43.4%	45.4%	42.9%	50.5%	46.9%
Total Number of Cases Resulting in Felony Adjudication in the ACCH	583	736	798	221	282

⁷ Ibid.

⁸ Ibid.

Coconino County

According to data compiled from the ACCH repository, the median number of days from arrest to felony adjudication for Coconino County has increased over the four year period. In FY2018, the median number of days from arrest to adjudication was 376 days. The percentage of felony cases adjudicated within 180 days of arrest decreased from 23.3 percent in FY2014 to 12.8 percent in FY2018. Over the same period, the number of cases resulting in felony adjudications decreased from 196 in FY2014 to 70 in FY2018.

Table 35. Coconino County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System⁹					
	FY2014	FY2015	FY2016	FY2017	FY2018
Median Number of Days from Arrest (by case number) to Felony Case Adjudication for Finalized Cases in the ACCH	310.5	332.5	329	440	376
Percent of Adjudicated Felony Cases (by case number) Finalized within 180 Days of Arrest	23.3%	24.1%	24.1%	11.5%	12.8%
Total Number of Cases Resulting in Felony Adjudication in the ACCH	196	286	231	35	70

Gila County

According to data compiled from the ACCH repository, the median number of days from arrest to felony adjudication for Gila County has increased over the four year period. In FY2018, the median number of days from arrest to adjudication was 670 days. The percentage of felony cases adjudicated within 180 days of arrest increased from 24.0 percent in FY2014 to 26.6 percent in FY2018. Over the same period, the number of cases resulting in felony adjudications decreased from 259 in FY2014 to 21 in FY2018.

Table 36. Gila County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System¹⁰					
	FY2014	FY2015	FY2016	FY2017	FY2018
Median Number of Days from Arrest (by case number) to Felony Case Adjudication for Finalized Cases in the ACCH	250	355	513	521.5	670
Percent of Adjudicated Felony Cases (by case number) Finalized within 180 Days of Arrest	24.0%	19.8%	19.0%	33.3%	26.6%
Total Number of Cases Resulting in Felony Adjudication in the ACCH	259	248	48	38	21

⁹ Ibid.

¹⁰ Ibid.

Graham County

According to data compiled from the ACCH repository, the median number of days from arrest to felony adjudication for Graham County has remained the same over the four year period. In FY2018, the median number of days from arrest to adjudication was 239 days. The percentage of felony cases adjudicated within 180 days of arrest decreased from 31.8 percent in FY2014 to 30.2 percent in FY2018. Over the same period, the number of cases resulting in felony adjudications increased from 89 in FY2014 to 148 in FY2018.

Table 37. Graham County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System¹¹					
	FY2014	FY2015	FY2016	FY2017	FY2018
Median Number of Days from Arrest (by case number) to Felony Case Adjudication for Finalized Cases in the ACCH	239.5	276	313	255	239
Percent of Adjudicated Felony Cases (by case number) Finalized within 180 Days of Arrest	31.8%	28.6%	25.8%	31.9%	30.2%
Total Number of Cases Resulting in Felony Adjudication in the ACCH	89	258	210	192	148

Greenlee County

According to data compiled from the ACCH repository, the median number of days from arrest to felony adjudication for Greenlee County has increased over the four year period. In FY2018, the median number of days from arrest to adjudication was 173 days. The percentage of felony cases adjudicated within 180 days of arrest decreased from 73.5 percent in FY2014 to 52.6 percent in FY2018. Over the same period, the number of cases resulting in felony adjudications decreased from 239 in FY2014 to 40 in FY2018.

Table 38. Greenlee County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System¹²					
	FY2014	FY2015	FY2016	FY2017	FY2018
Median Number of Days from Arrest (by case number) to Felony Case Adjudication for Finalized Cases in the ACCH	122	121	118	124	173
Percent of Adjudicated Felony Cases (by case number) Finalized within 180 Days of Arrest	73.5%	63.9%	56.7%	69.3%	52.6%
Total Number of Cases Resulting in Felony Adjudication in the ACCH	239	276	136	61	40

¹¹ Ibid.

¹² Ibid.

La Paz County

According to data compiled from the ACCH repository, the median number of days from arrest to felony adjudication for La Paz County has increased over the four year period. In FY2018, the median number of days from arrest to adjudication was 267 days. The percentage of felony cases adjudicated within 180 days of arrest decreased from 46.8 percent in FY2014 to 30.4 percent in FY2018. Over the same period, the number of cases resulting in felony adjudications decreased from 223 in FY2014 to 151 in FY2018.

Table 39. La Paz County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System¹³					
FY2014-2018					
	FY2014	FY2015	FY2016	FY2017	FY2018
Median Number of Days from Arrest (by case number) to Felony Case Adjudication for Finalized Cases in the ACCH	201	242	219	179	267
Percent of Adjudicated Felony Cases (by case number) Finalized within 180 Days of Arrest	46.8%	31.4%	42.3%	50.5%	30.3%
Total Number of Cases Resulting in Felony Adjudication in the ACCH	223	219	279	165	151

Maricopa County

According to data compiled from the ACCH repository, the median number of days from arrest to felony adjudication for Maricopa County has increased over the four year period. In FY2018, the median number of days from arrest to adjudication was 232 days. The percentage of felony cases adjudicated within 180 days of arrest decreased from 45.0 percent in FY2014 to 38.7 percent in FY2018. The total number of cases resulting in felony adjudications in Maricopa County was 21,941 in FY2018.

Table 40. Maricopa County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System¹⁴					
FY2014-2018					
	FY2014	FY2015	FY2016	FY2017	FY2018
Median Number of Days from Arrest (by case number) to Felony Case Adjudication for Finalized Cases in the ACCH	202	211	225	232	232
Percent of Adjudicated Felony Cases (by case number) Finalized within 180 Days of Arrest	45.0%	42.5%	39.6%	38.5%	38.7%
Total Number of Cases Resulting in Felony Adjudication in the ACCH	17,122	16,618	21,217	19,984	21,941

¹³ Ibid.

¹⁴ Ibid.

Mohave County

According to data compiled from the ACCH repository, the median number of days from arrest to felony adjudication for Mohave County has increased over the four year period. In FY2018, the median number of days from arrest to adjudication was 181 days. The percentage of felony cases adjudicated within 180 days of arrest decreased from 56.2 percent in FY2014 to 49.9 percent in FY2018. Over the same period, the number of cases resulting in felony adjudications increased from 1,690 in FY2014 to 2,024 in FY2018.

Table 41. Mohave County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System¹⁵					
	FY2014	FY2015	FY2016	FY2017	FY2018
Median Number of Days from Arrest (by case number) to Felony Case Adjudication for Finalized Cases in the ACCH	158	160	162	155	181
Percent of Adjudicated Felony Cases (by case number) Finalized within 180 Days of Arrest	56.2%	57.5%	56.6%	56.1%	49.9%
Total Number of Cases Resulting in Felony Adjudication in the ACCH	1,690	1,928	1,929	1,521	2,024

Navajo County

According to data compiled from the ACCH repository, the median number of days from arrest to felony adjudication for Navajo County has increased over the four year period. In FY2018, the median number of days from arrest to adjudication was 189 days. The percentage of felony cases adjudicated within 180 days of arrest decreased from 53.4 percent in FY2014 to 47.0 percent in FY2018. Over the same period, the number of cases resulting in felony adjudications decreased from 312 in FY2014 to 31 in FY2018.

Table 42. Navajo County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System¹⁶					
	FY2014	FY2015	FY2016	FY2017	FY2018
Median Number of Days from Arrest (by case number) to Felony Case Adjudication for Finalized Cases in the ACCH	174	188	220	112	189
Percent of Adjudicated Felony Cases (by case number) Finalized within 180 Days of Arrest	53.4%	47.2%	42.3%	65.1%	47.0%
Total Number of Cases Resulting in Felony Adjudication in the ACCH	312	500	266	41	31

¹⁵ Ibid.

¹⁶ Ibid.

Pima County

According to data compiled from the ACCH repository, the median number of days from arrest to felony adjudication for Pima County has increased over the four year period. In FY2018, the median number of days from arrest to adjudication was 232 days. The percentage of felony cases adjudicated within 180 days of arrest decreased from 54.0 percent in FY2014 to 36.8 percent in FY2018. Over the same period, the number of cases resulting in felony adjudications decreased from 6,918 in FY2014 to 815 in FY2018.

Table 43. Pima County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System¹⁷					
	FY2014	FY2015	FY2016	FY2017	FY2018
Median Number of Days from Arrest (by case number) to Felony Case Adjudication for Finalized Cases in the ACCH	169	163	164	226	232
Percent of Adjudicated Felony Cases (by case number) Finalized within 180 Days of Arrest	54.0%	54.7%	54.9%	46.3%	36.8%
Total Number of Cases Resulting in Felony Adjudication in the ACCH	6,918	7,383	3,765	309	815

Pinal County

According to data compiled from the ACCH repository, the median number of days from arrest to felony adjudication for Pinal County has decreased over the four year period. In FY2018, the median number of days from arrest to adjudication was 112 days. The percentage of felony cases adjudicated within 180 days of arrest increased from 40.0 percent in FY2014 to 67.5 percent in FY2018. Over the same period, the number of cases resulting in felony adjudications increased from 72 in FY2014 to 359 in FY2018.

Table 44. Pinal County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System¹⁸					
	FY2014	FY2015	FY2016	FY2017	FY2018
Median Number of Days from Arrest (by case number) to Felony Case Adjudication for Finalized Cases in the ACCH	282	251	227	292	112
Percent of Adjudicated Felony Cases (by case number) Finalized within 180 Days of Arrest	40.0%	29.0%	44.9%	38.5%	67.5%
Total Number of Cases Resulting in Felony Adjudication in the ACCH	72	139	80	40	359

¹⁷ Ibid.

¹⁸ Ibid.

Santa Cruz County

According to data compiled from the ACCH repository, the median number of days from arrest to felony adjudication for Santa Cruz County has increased over the four year period. In FY2018, the median number of days from arrest to adjudication was 243 days. The percentage of felony cases adjudicated within 180 days of arrest decreased from 53.1 percent in FY2014 to 40.9 percent in FY2018. Over the same period, the number of cases resulting in felony adjudications decreased from 290 in FY2014 to 146 in FY2018.

Table 45. Santa Cruz County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System¹⁹					
	FY2014-2018				
	FY2014	FY2015	FY2016	FY2017	FY2018
Median Number of Days from Arrest (by case number) to Felony Case Adjudication for Finalized Cases in the ACCH	173	147	164	167	243
Percent of Adjudicated Felony Cases (by case number) Finalized within 180 Days of Arrest	53.1%	60.6%	54.5%	58.8%	40.9%
Total Number of Cases Resulting in Felony Adjudication in the ACCH	290	298	177	107	146

Yavapai County

According to data compiled from the ACCH repository, the median number of days from arrest to felony adjudication for Yavapai County has decreased over the four year period. In FY2018, the median number of days from arrest to adjudication was 108 days. The percentage of felony cases adjudicated within 180 days of arrest decreased from 61.1 percent in FY2014 to 60.9 percent in FY2018. Over the same period, the number of cases resulting in felony adjudications decreased from 2,774 in FY2014 to 1,102 in FY2018.

Table 46. Yavapai County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System²⁰					
	FY2014-2018				
	FY2014	FY2015	FY2016	FY2017	FY2018
Median Number of Days from Arrest (by case number) to Felony Case Adjudication for Finalized Cases in the ACCH	128	116.5	112	105	108
Percent of Adjudicated Felony Cases (by case number) Finalized within 180 Days of Arrest	61.1%	62.1%	61.6%	62.5%	60.9%
Total Number of Cases Resulting in Felony Adjudication in the ACCH	2,774	2,994	2,735	1,072	1,102

¹⁹ Ibid.

²⁰ Ibid.

Yuma County

According to data compiled from the ACCH repository, the median number of days from arrest to felony adjudication for Yuma County has increased over the four year period. In FY2018, the median number of days from arrest to adjudication was 165 days. The percentage of felony cases adjudicated within 180 days of arrest decreased from 68.2 percent in FY2014 to 56.7 percent in FY2018. Over the same period, the number of cases resulting in felony adjudications decreased from 528 in FY2014 to 455 in FY2018.

Table 47. Yuma County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System²¹					
	FY2014	FY2015	FY2016	FY2017	FY2018
Median Number of Days from Arrest (by case number) to Felony Case Adjudication for Finalized Cases in the ACCH	148	160	157	157	165
Percent of Adjudicated Felony Cases (by case number) Finalized within 180 Days of Arrest	68.2%	59.6%	59.8%	62.7%	56.7%
Total Number of Cases Resulting in Felony Adjudication in the ACCH	528	941	642	403	455

²¹ Ibid.

CONCLUSION AND RECOMMENDATIONS

In FY2018, County Attorneys received a total of \$794,004 in State Fill the Gap (FTG) funds through revenues distributed by the Arizona Criminal Justice Commission (ACJC). This amount is 0.1 percent more than previous allocations. All payments were made on time for fiscal year of 2018. Indigent defense agencies did not receive funds during FY2018 and have not received State FTG funds since FY2012. Through previous balances and current awards, county attorneys expended a total of \$794,004 on salaries for permanent and/or temporary staff positions, office equipment and supplies, and maintenance costs for case management systems and other crucial office equipment. Due to changes in the research methodology for the 2017 Fill the Gap report, no information was collected in terms of indigent defense agencies' funds expenditure, as no funds were allocated.

Of the fifteen agencies, only one agency reported adjudicating over 100% of eligible felony cases within 180 days of filing. Furthermore, data from the Arizona Computerized Criminal History (ACCH) repository reveal that as of July 2018, only 40.1 percent of the 27,715 cases adjudicated in Arizona during FY2018 were finalized within 180 days of arrest. Many agencies acknowledged a number of factors that have negatively affected case processing, including: 1) increased caseloads; 2) high staff turnover; 3) excessive delays and continuances throughout the criminal justice systems; 4) limited resources to pay for operating costs and staff positions; 5) weak relations between, and the lack of coordination among, criminal justice agencies, causing delays in receiving necessary case materials; and 6) increased crime rates within the county.

In order to identify operational gaps and improve case processing times within Arizona, the following steps are recommended by the ACJC:

- ❖ Each County Attorney's office should have the capacity to gather consistent and comparable case processing statistics. This information will allow agencies to better identify issues related to case processing within their jurisdiction, and assess progress in meeting the established time standards. Furthermore, the lack of an efficient case management system was identified as a barrier to improving criminal case processing times by many agencies. Therefore, it is suggested that county agencies prioritize Fill the Gap resources to purchase case management systems that will allow for the collection of these data. Stakeholders should also collaborate to standardize definitions in data processing and consider using similar case management systems within their respective jurisdictions. Utilizing the same case management system may ease issues with sending or receiving necessary documents among the agencies, courts, and law enforcement.
- ❖ Many agencies note improvements in case processing time and management from working collaboratively with their local criminal justice agencies (e.g., the Public Defender's Office, law enforcement, and the county courts). This collaborative environment allows agencies to access external databases and information within their networks, which help increase the efficiency of case management. Agencies and stakeholders should continue to determine how to improve working relationships with local criminal justice agencies, so that agencies can collaborate to acquire the information necessary to manage future caseloads.

- ❖ County Attorneys noted that funding resources are essential for sustaining the efficacy of legal operations within their offices. It is recommended that funding resources be made available to provide support for case processing and staffing costs throughout Arizona. This additional resource will aid attempts to improve operational functions that affect case processing times (e.g., transferring to electronic collection systems from paper-based systems, hiring additional staff to assist in processing cases, etc.).
- ❖ The state should allocate funding in the State Aid to Indigent Defense Fund to its statutorily mandated purpose—to indigent defense activities at the county level that will improve case processing times. Systems are only as effective as the least efficient part of the process and continuing to underfund indigent defense will hamper efforts to meet the Arizona Supreme Court’s standards for case processing times. Restoring these resources to their intended purpose will aid indigent defense agencies’ attempts to improve operational functions that affect case processing times (e.g., transferring to electronic collection systems from paper-based systems, hiring additional staff to assist in processing cases).
- ❖ State agencies should have the ability to gather complete and comparable information regarding criminal case processing times. Currently, the Arizona Computerized Criminal History (ACCH) repository is used by the ACJC to supplement agency case processing statistics, and provide an estimate of changes in criminal case processing. Although this repository contains valuable data used to assess trends in case processing from arrest to adjudication, criminal history information within the ACCH is not always complete. The ACJC recommends that all counties develop policies and procedures to ensure that all arrest and disposition information for cases filed within their jurisdiction are submitted to the ACCH in a timely manner and reviewed for accuracy.

APPENDIX A: Arizona County Population Estimates

Table 48. Arizona 2017 Population Estimates

County	2017 Population Estimate ^{a,b}	Percent of Arizona Population	Population Growth (2016-2017)
Apache	72,713	1.0%	1.0%
Cochise	128,383	1.8%	0.0%
Coconino	144,057	2.1%	1.1%
Gila	54,947	0.8%	1.1%
Graham	38,275	0.5%	-0.1%
Greenlee	10,961	0.2%	5.1%
La Paz	21,598	0.3%	1.7%
Maricopa	1,221,684	60.6%	2.0%
Mohave	209,792	3.0%	2.0%
Navajo	111,266	1.6%	0.8%
Pima	1,026,099	14.7%	1.3%
Pinal	427,603	6.1%	3.5%
Santa Cruz	51,507	0.7%	1.8%
Yavapai	225,364	3.2%	2.4%
Yuma	221,648	3.2%	2.4%
State	6,965,897	100.0%	1.9%

^a Population estimates as of July 1, 2017.

^b Population estimates were collected from reports produced by the State of Arizona Office of Economic Opportunity (<https://population.az.gov/sites/default/files/documents/files/pop-estimates2016-04pla.pdf>).

APPENDIX B: State Fill the Gap Funding Allocation Changes

**Table 49. State Fill the Gap Funding Allocation^a Changes
FY2009 – FY2018**

Funding Accounts	FY2009	FY2010^b	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016^c	FY2017	FY2018
State Aid to County Attorneys	\$1,044,432.69	\$973,593.63	\$973,600.00	\$973,600.00	\$973,600.00	\$973,600.00	\$973,600.00	\$973,450.00	\$973,700.00	\$973,700.00
State Aid to Indigent Defense ^d	\$1,149,300.00	\$991,767.13	\$551,880.00	\$700,300.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

^a The allocation amount reported refers to the total amount of State FTG funds allocated to counties from FY2008 to FY2017.

^b During FY2010, Arizona General Fund appropriations were no longer allocated to the State FTG program. A shortfall in the Arizona budget also caused a reduction in monies distributed to each county.

^c The amount listed for FY2016 is the amount *distributed* to the County Attorneys offices in the state.

^d Monies in the Indigent Defense Fund have been redirected to support other state programs since FY2012.

APPENDIX C: Arizona Fill the Gap Balances, Revenues, and Expenditures

Table 50. State Aid to County Attorneys Fill the Gap Balance Detail FY2018

	Beginning Balance	Fund Allocation^a	Funds Received^b	Interest Earned	Fund Expenditures	Ending Balance
Apache County Attorney	\$12,865.45	\$8,813.00	\$7,151.39	\$0.00	(\$0.00)	\$20,016.84
Cochise County Attorney	\$39,572.38	\$17,787.00	\$14,441.00	\$438.99	(9,384.46)	\$45,067.91
Coconino County Attorney	\$0.00	\$19,861.00	\$16,120.00	\$0.00	(\$16,120.00)	\$0.00
Gila County Attorney	\$70,778.43	\$9,752.00	\$7,026.40	\$695.97	(2,032.15)	\$76,468.65
Graham County Attorney	\$17,737.00	\$7,138.00	\$6,379.00	\$198.52	(\$4,883.00)	\$19,031.52
Greenlee County Attorney	\$3.00	\$1,723.00	\$1,723.00	\$0.00	(\$1,392.74)	\$333.26
La Paz County Attorney	\$12,271.25	\$4,398.00	\$4,398.00	\$72.13	(\$3,342.74)	\$13,398.64
Maricopa County Attorney	\$219,967.00	\$590,313.00	\$479,182.00	\$3,822.56	(\$509,742.98)	\$190,228.58
Mohave County Attorney	\$0.00	\$30,770.00	\$24,978.30	\$0.00	(\$24,978.30)	\$0.00
Navajo County Attorney	\$3,398.13	\$17,062.00	\$13,853.00	\$127.49	(\$12,000.00)	\$1,417.64
Pima County Attorney	\$261,137.07	\$130,717.00	\$106,109.00	\$8,978.30	(\$92,998.14)	\$283,226.23
Pinal County Attorney	\$0.00	\$64,650.00	\$52,480.00	\$78.81	(\$52,558.81)	\$0.00
Santa Cruz County Attorney	\$8,207.17	\$5,692.00	\$4,621.00	\$0.00	(\$11,792.58)	\$1,035.59
Yavapai County Attorney	\$0.00	\$37,235.00	\$30,224.00	\$0.00	(\$30,224.00)	\$0.00
Yuma County Attorney	\$0.00	\$27,789.00	\$22,554.00	\$0.00	(\$22,554.00)	\$0.00
County Attorney Total	\$384,399.80	\$973,700.00	\$791,240.09	\$14,412.77	(\$794,003.90)	\$650,224.86

^a Fund allocation is the projected revenue based on the statutory formula.

^b Funds received is the actual payment made to each county from the FY2018 fiscal year allocations.

Table 51. State Aid to County Attorney Fill the Gap Expenditures by County FY2018

	Salary/Fringe / Overtime	Contractual Services	Travel	Operating/ Supplies	Equipment Purchases	Case Management Software	Other	Total
Apache	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Cochise	\$9,384.46	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$9,384.46
Coconino	\$16,120.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$16,120.00
Gila	\$0.00	\$0.00	\$0.00	\$0.00	\$2,032.15	\$0.00	\$0.00	\$2,032.15
OGraham	\$0.00	\$0.00	\$0.00	\$0.00	\$3,496.98	\$1,386.02	\$0.00	\$4,883.00
Greenlee	\$0.00	\$0.00	\$0.00	\$1,392.74	\$0.00	\$0.00	\$0.00	\$1,392.74
La Paz	\$0.00	\$3,342.74	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$3,342.74
Maricopa	\$509,742.98	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$509,742.98
Mohave	\$22,278.83	\$0.00	\$0.00	\$1,874.47	\$0.00	\$0.00	\$825.00	\$24,978.30
Navajo	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$12,000.00	\$0.00	\$12,000.00
Pima	\$85,006.14	\$0.00	\$0.00	\$0.00	\$0.00	\$7,992.00	\$0.00	\$92,998.14
Pinal	\$52,558.81	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$52,558.81
Santa Cruz	\$11,792.58	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$11,792.58
Yavapai	\$30,224.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$30,224.00
Yuma	\$22,554.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$22,554.00
Total	\$759,661.80	\$3,342.74	\$0.00	\$3,267.21	\$5,529.13	\$21,378.02	\$825.00	\$794,003.90

APPENDIX D: Summary of the Use of State Fill the Gap Funds in FY2018

Staff Salary and Contractual Services

- Attorney positions that are essential to providing legal services and reducing caseloads for other attorneys;
- Legal assistant positions that support attorneys in tracking felony cases and organizing materials for court hearings;
- Two legal secretary positions that support attorneys in organizing case files and other duties as needed;
- Temporary legal assistants to assist permanent staff with case file management;
- One investigator position; and
- Other essential legal and support staff.

Equipment, Software, Supplies, and Other Operating Expenses

- Office equipment; and
- Office software used to improve daily functions (i.e., Microsoft Enterprise).

Case Management Systems

- Maintenance costs for case management systems;
- Annual fees for case management systems; and
- Training fees for case management systems.

Other Expenditures

- Maintenance fees for office equipment (e.g., copy machine).

APPENDIX E: Arizona Revised Statutes Authorizing Fill the Gap Funding

11-539. State aid to county attorneys fund

A. The state aid to county attorneys fund is established consisting of monies appropriated to the fund and monies allocated pursuant to section 41-2421, subsections B and J. The purpose of the fund is to provide state aid to county attorneys for the processing of criminal cases.

B. The Arizona criminal justice commission shall administer the fund. The commission shall allocate fund monies to each county pursuant to section 41-2409, subsection A.

C. All monies distributed or spent from the fund shall be used to supplement, not supplant, funding at the level provided in fiscal year 1997-1998 by the counties for the processing of criminal cases by county attorneys.

D. Monies in the state aid to county attorneys fund are exempt from the provisions of section 35-190 relating to lapsing of appropriations and monies allocated pursuant to section 41-2421, subsections B and J are subject to legislative appropriation. Any state general fund monies appropriated to the fund may be spent without further legislative appropriation.

E. On notice from the commission, the state treasurer shall invest and divest monies in the fund as provided by section 35-313, and monies earned from investment shall be credited to the fund.

11-588. State aid to indigent defense fund

A. The state aid to indigent defense fund is established consisting of monies appropriated to the fund and monies allocated to the fund pursuant to section 41-2421, subsections B and J. The purpose of the fund is to provide state aid to the county public defender, legal defender and contract indigent defense counsel for the processing of criminal cases.

B. The Arizona criminal justice commission shall administer the fund. The commission shall allocate monies in the fund to each county pursuant to section 41-2409, subsection C.

C. All monies distributed or spent from the fund shall be used to supplement, not supplant, funding at the level provided in fiscal year 1997-1998 by counties for the processing of criminal cases by the county public defender, legal defender and contract indigent defense counsel in each county.

D. Monies in the state aid to indigent defense fund are exempt from the provisions of section 35-190 relating to lapsing of appropriations and monies allocated pursuant to section 41-2421, subsections B and J are subject to legislative appropriation. Any state general fund monies appropriated to the fund may be spent without further legislative appropriation.

E. On notice from the commission, the state treasurer shall invest and divest monies in the fund as provided by section 35-313, and monies earned from investment shall be credited to the fund.

12-102.02. State aid to the courts fund

A. The state aid to the courts fund is established consisting of monies appropriated to the fund and monies allocated pursuant to section 41-2421, subsections B and J. The purpose of the fund is to provide state aid to the superior court, including the clerk of the superior court, and justice courts for the processing of criminal cases.

B. The supreme court shall administer the fund. The supreme court shall allocate monies in the fund to the superior court, including the clerk of the court, and the justice courts in each county according to the following composite index formula:

1. The three year average of the total felony filings in the superior court in the county, divided by the statewide three year average of the total felony filings in the superior court.
2. The county population, as adopted by the department of economic security, divided by the statewide population, as adopted by the department of economic security.
3. The sum of paragraphs 1 and 2 divided by two equals the composite index.
4. The composite index for each county shall be used as the multiplier against the total funds appropriated from the state general fund and other monies distributed to the fund pursuant to section 41-2421.

C. The presiding judge of the superior court in each county, in coordination with the chairman of the county board of supervisors or the chairman's designee, the clerk of the superior court, the presiding justice of the peace and an elected justice of the peace of the county shall submit a plan to the supreme court that details how the funds allocated to the county pursuant to this section will be used and how the plan will assist the county in improving criminal case processing. The presiding judge of the superior court, the chairman of the board of supervisors or the chairman's designee, the clerk of the superior court, the presiding justice of the peace and an elected justice of the peace shall sign the plan and shall indicate their endorsement of the plan as submitted or shall outline their disagreement with any provisions of the plan. The supreme court may approve the plan or require changes to the plan in order to achieve the goal of improved criminal case processing.

D. By January 8, 2001 and every year thereafter by January 8, the supreme court shall report to the governor, the legislature, the joint legislative budget committee, each county board of supervisors and the Arizona criminal justice commission on the expenditure of the fund monies for the prior fiscal year and on the progress made in achieving the goal of improved criminal case processing. This information may be combined into one report with the information required pursuant to section 12-102.01, subsection D.

E. All monies spent or distributed from the fund shall be used to supplement, not supplant, funding at the level provided in fiscal year 1997-1998 by the counties for the processing of criminal cases in the superior court, including the office of the clerk of the superior court, and justice courts.

F. Monies in the state aid to the courts fund are exempt from the provisions of section 35-190 relating to lapsing of appropriations and monies allocated pursuant to section 41-2421, subsections B and J are subject to legislative appropriation. Any state general fund monies appropriated to the fund may be spent without further legislative appropriation.

G. On notice from the supreme court, the state treasurer shall invest and divest monies in the fund as provided by section 35-313, and monies earned from investment shall be credited to the fund.

12-116.01. Surcharges: fund deposits

A. In addition to any penalty provided by law, a surcharge shall be levied in an amount of forty-seven per cent on every fine, penalty and forfeiture imposed and collected by the courts for criminal offenses and any civil penalty imposed and collected for a civil traffic violation and fine, penalty or forfeiture for a violation of the motor vehicle statutes, for any local ordinance relating to the stopping, standing or operation of a vehicle or for a violation of the game and fish statutes in title 17.

B. In addition to any penalty provided by law, a surcharge shall be levied in an amount of seven per cent on every fine, penalty and forfeiture imposed and collected by the courts for criminal offenses and any civil penalty imposed and collected for a civil traffic violation and fine, penalty or forfeiture for a violation of the motor vehicle statutes, for any local ordinance relating to the stopping, standing or operation of a vehicle or for a violation of the game and fish statutes in title 17.

C. In addition to any penalty provided by law, a surcharge shall be levied through December 31, 2011 in an amount of seven per cent, and beginning January 1, 2012 in an amount of six per cent, on every fine, penalty and forfeiture imposed and collected by the courts for criminal offenses and any civil penalty imposed and collected for a civil traffic violation and fine, penalty or forfeiture for a violation of the motor vehicle statutes, for any local ordinance relating to the stopping, standing or operation of a vehicle or for a violation of the game and fish statutes in title 17.

D. If any deposit of bail or bond or deposit for an alleged civil traffic violation is to be made for a violation, the court shall require a sufficient amount to include the surcharge prescribed in this section for forfeited bail, bond or deposit. If bail, bond or deposit is forfeited, the court shall transmit the amount of the surcharge pursuant to subsection H of this section. If bail, bond or deposit is returned, the surcharge made pursuant to this article shall also be returned.

E. After addition of the surcharge, the courts may round the total amount due to the nearest one-quarter dollar.

F. The judge may waive all or part of the civil penalty, fine, forfeiture and surcharge, except for mandatory civil penalties and fines, the payment of which would work a hardship on the persons convicted or adjudicated or on their immediate families. If a fine or civil penalty is mandatory, the judge may waive only all or part of the surcharges prescribed by subsections A, B and C of this section and section 12-116.02. If a fine or civil penalty is not mandatory and if a portion of the civil penalty, fine, forfeiture and surcharge is waived or suspended, the amount assessed must be divided according to the proportion that the civil penalty, fine, bail or bond and the surcharge represent of the total amount due.

G. The surcharge imposed by this section shall be applied to the base fine, civil penalty or forfeiture and not to any other surcharge imposed.

H. After a determination by the court of the amount due, the court shall transmit, on the last day of each month, the surcharges collected pursuant to subsections A, B, C and D of this section and a remittance report of the fines, civil penalties, assessments and surcharges collected pursuant to subsections A, B, C and D of this section to the county treasurer, except that municipal courts shall transmit the surcharges and the remittance report of the fines, civil penalties, assessments and surcharges to the city treasurer.

I. The appropriate authorities specified in subsection H of this section shall transmit the forty-seven per cent surcharge prescribed in subsection A of this section and the remittance report as required in subsection H of this section to the state treasurer on or before the fifteenth day of each month for deposit in the criminal justice enhancement fund established by section 41-2401.

J. The appropriate authorities specified in subsection H of this section shall transmit the seven per cent surcharge prescribed in subsection B of this section and the remittance report as required in subsection H of this section to the state treasurer on or before the fifteenth day of each month for allocation pursuant to section 41-2421, subsection J.

K. The appropriate authorities specified in subsection H of this section shall transmit the surcharge prescribed in subsection C of this section and the remittance report as required in subsection H of this section to the state treasurer on or before the fifteenth day of each month for deposit in the Arizona deoxyribonucleic acid identification system fund established by section 41-2419.

L. Partial payments of the amount due shall be transmitted as prescribed in subsections H, I, J and K of this section and shall be divided according to the proportion that the civil penalty, fine, bail or bond and the surcharge represent of the total amount due.

41-2409. State aid; administration

A. The Arizona criminal justice commission shall administer the state aid to county attorneys fund established by section 11-539. By September 1 of each year, the commission shall distribute monies in the fund to each county according to the following composite index formula:

1. The three year average of the total felony filings in the superior court in the county, divided by the statewide three year average of the total felony filings in the superior court.
2. The county population, as adopted by the department of economic security, divided by the statewide population, as adopted by the department of economic security.
3. The sum of paragraphs 1 and 2 divided by two equals the composite index.
4. The composite index for each county shall be used as the multiplier against the total funds appropriated from the state general fund and other monies distributed to the fund pursuant to section 41-2421.

B. The board of supervisors in each county shall separately account for the monies transmitted pursuant to subsection A of this section and may expend these monies only for the purposes specified in section 11-539. The county treasurer shall invest these monies and interest earned shall be expended only for the purposes specified in section 11-539.

C. The Arizona criminal justice commission shall administer the state aid to indigent defense fund established by section 11-588. By September 1 of each fiscal year, the commission shall distribute monies in the fund to each county according to the following composite index formula:

1. The three year average of the total felony filings in the superior court in the county divided by the statewide three year average of the total felony filings in the superior court.
2. The county population, as adopted by the department of economic security, divided by the statewide population, as adopted by the department of economic security.
3. The sum of paragraphs 1 and 2 divided by two equals the composite index.
4. The composite index for each county shall be used as the multiplier against the total funds appropriated from the state general fund and other monies distributed to the fund pursuant to section 41-2421.

D. The board of supervisors shall separately account for the monies transmitted pursuant to subsection C of this section and may expend these monies only for the purposes specified in section 11-588. The county treasurer shall invest these monies

and interest earned shall be expended only for the purposes specified in section 11-588.

E. By January 8, 2001 and by January 8 each year thereafter, the commission shall report to each county board of supervisors, the governor, the legislature, the joint legislative budget committee, the chief justice of the supreme court and the attorney general on the expenditure of the monies in the state aid to county attorneys fund and the state aid to indigent defense fund for the prior fiscal year and on the progress made in achieving the goal of improved criminal case processing.

41-2421. Enhanced collections: allocation of monies: criminal justice entities

A. Notwithstanding any other law and except as provided in subsection J of this section, five per cent of any monies collected by the supreme court and the court of appeals for the payment of filing fees, including clerk fees, diversion fees, fines, penalties, surcharges, sanctions and forfeitures, shall be deposited, pursuant to sections 35-146 and 35-147, and allocated pursuant to the formula in subsection B of this section. This subsection does not apply to monies collected by the courts pursuant to section 16-954, subsection A, or for child support, restitution or exonerated bonds.

B. The monies deposited pursuant to subsection A of this section shall be allocated according to the following formula:

1. 21.61 per cent to the state aid to county attorneys fund established by section 11-539.
2. 20.53 per cent to the state aid to indigent defense fund established by section 11-588.
3. 57.37 per cent to the state aid to the courts fund established by section 12-102.02.
4. 0.49 per cent to the department of law for the processing of criminal cases.

C. Notwithstanding any other law and except as provided in subsection J of this section, five per cent of any monies collected by the superior court, including the clerk of the court and the justice courts in each county for the payment of filing fees, including clerk fees, diversion fees, adult and juvenile probation fees, juvenile monetary assessments, fines, penalties, surcharges, sanctions and forfeitures, shall be transmitted to the county treasurer for allocation pursuant to subsections E, F, G and H of this section. This subsection does not apply to monies collected by the courts pursuant to section 16-954, subsection A or for child support, restitution or exonerated bonds.

D. The supreme court shall adopt guidelines regarding the collection of revenues pursuant to subsections A and C of this section.

E. The county treasurer shall allocate the monies deposited pursuant to subsection C of this section according to the following formula:

1. 21.61 per cent for the purposes specified in section 11-539.
2. 20.53 per cent for the purposes specified in section 11-588.
3. 57.37 per cent to the local courts assistance fund established by section 12-102.03.
4. 0.49 per cent to the state treasurer for transmittal to the department of law for the processing of criminal cases.

F. The board of supervisors in each county shall separately account for all monies received pursuant to subsections C and E of this section and expenditures of these monies may be made only after the requirements of subsections G and H of this section have been met.

G. By December 1 of each year each county board of supervisors shall certify if the total revenues received by the justice courts and the superior court, including the clerk of the superior court, exceed the amount received in fiscal year 1997-1998. If the board so certifies, then the board shall distribute the lesser of either:

1. The total amount deposited pursuant to subsection C of this section.
2. The amount collected and deposited pursuant to subsection C of this section that exceeds the base year collections of fiscal year 1997-1998. These monies shall be distributed according to the formula specified in subsection E of this section. Any monies remaining after this allocation shall be transmitted as otherwise provided by law.

H. If a county board of supervisors determines that the total revenues transmitted by the superior court, including the clerk of the superior court and the justice courts in the county, do not equal the base year collections transmitted in fiscal year 1997-1998 the monies specified in subsection C of this section shall be transmitted by the county treasurer as otherwise provided by law.

I. For the purposes of this section, base year collections shall be those collections specified in subsection C of this section.

J. Monies collected pursuant to section 12-116.01, subsection B shall be allocated as follows:

1. 15.44 per cent to the state aid to county attorneys fund established by section 11-539.
2. 14.66 per cent to the state aid to indigent defense fund established by section 11-588.

3. 40.97 per cent to the state aid to the courts fund established by section 12-102.02.

4. 0.35 per cent to the department of law for the processing of criminal cases.

5. 14.29 per cent to the Arizona criminal justice commission for distribution to state, county and municipal law enforcement full service forensic crime laboratories pursuant to rules adopted by the Arizona criminal justice commission.

6. 14.29 per cent to the supreme court for allocation to the municipal courts pursuant to subsection K of this section.

K. The supreme court shall administer and allocate the monies received pursuant to subsection J, paragraph 6 of this section to the municipal courts based on the total amount of surcharges transmitted pursuant to section 12-116.01 by that jurisdiction's city treasurer to the state treasurer for the prior fiscal year divided by the total amount of surcharges transmitted to the state treasurer pursuant to section 12-116.01 by all city treasurers statewide for the prior fiscal year. The municipal court shall use the monies received to improve, maintain and enhance the ability to collect and manage monies assessed or received by the courts, to improve court automation and to improve case processing or the administration of justice. The municipal court shall submit a plan to the supreme court and the supreme court shall approve the plan before the municipal court begins to spend these allocated monies.

APPENDIX F: Arizona Supreme Court Rules Outlining Court Case Processing

Rule 8.1. Priorities in scheduling criminal cases

- a. **Priority of Criminal Trials.** The trial of criminal cases shall have priority over the trial of civil cases. Any scheduling conflicts will be resolved in accordance with Rule 5(j), Uniform Rules of Practice.
- b. **Preferences.** The trial of defendants in-custody and defendants whose pretrial liberty may present unusual risks shall be given preference over other criminal cases.
- c. **Duty of Prosecutor.** The prosecutor shall advise the court of facts relevant to determining the order of cases on the calendar.
- d. **Duty of Defense Counsel.** The defendant's counsel shall advise the court of the impending expiration of time limits in the defendant's case. Failure to do so may result in sanctions and should be considered by the court in determining whether to dismiss an action with prejudice pursuant to Rule 8.6.
- e. **Extraordinary Cases.** Within twenty-five days after the arraignment in Superior Court either party may apply in writing to the court for a hearing to establish extraordinary circumstances requiring the suspension of Rule 8 in a particular case. Within five days of the receipt of the application the court shall hold the hearing and make findings of fact. The findings shall be immediately transmitted to the Chief Justice who may approve or decline to approve them. Upon approval of the findings by the Chief Justice, they shall be returned to the trial court where upon motion of either party the trial court may suspend the provisions of Rule 8 and reset the trial date for a time certain.

Rule 8.2. Time limits

- a. **General.** Subject to the provisions of Rule 8.4, every person against whom an indictment, information or complaint is filed shall be tried by the court having jurisdiction of the offense within the following time periods:
 - (1). **Defendants in-custody.** 150 days from arraignment if the person is held in-custody, except as provided in subsection (a), paragraph (3) of this section.
 - (2). **Defendants Released From Custody.** 180 days from arraignment if the person is released under Rule 7, except as provided in subsection (a), paragraph (3) of this section.
 - (3). **Complex Cases.** One year from arraignment for cases in which the indictment, information or complaint is filed between December 1, 2002 and December 1, 2005, and for subsequent cases 270 days from arraignment if the person is charged with any of the following:
 - (i) 1st Degree Murder, except as provided in paragraph (a)(4) of this rule,
 - (ii) Offenses that will require the court to consider evidence obtained as the result of an order permitting the interception of wire, electronic or oral communication,
 - (iii) Any complex cases as determined by a written factual finding by the court.

(4). **Capital Cases.** Twenty-four months from the date the state files a notice of intent to seek the death penalty pursuant to Rule 15.1(i).

b. **Waiver of Appearance at Arraignment.** If a person has waived an appearance at arraignment pursuant to Rule 14.2, the date of the arraignment held without the defendant's presence shall be considered the arraignment date for purposes of subsection (a), paragraphs (1), (2), (3), and (4) of this rule.

c. **New Trial.** A trial ordered after a mistrial or upon a motion for a new trial shall commence within 60 days of the entry of the order of the court. A trial ordered upon the reversal of a judgment by an appellate court shall commence within 90 days of the service of the mandate of the Appellate Court.

d. **Extension of Time Limits.** These time limits may be extended pursuant to Rule 8.5.

e. **Trial Dates.** In all superior court cases except those in which Rule 8 has been suspended pursuant to Rule 8.1(e), the court shall, either at the time of arraignment in superior court or at a pretrial conference, set a trial date for a time certain.

Rule 8.4. Excluded Periods

The following periods are excluded from the computation of the time limits set forth in Rules 8.2 and 8.3:

a. Delays occasioned by or on behalf of the defendant, including, but not limited to, delays caused by an examination and hearing to determine competency or intellectual disability, the defendant's absence or incompetence, or his or her inability to be arrested or taken into custody in Arizona. If a finding by the court that the defendant is competent or has been restored to competency or is no longer absent occurs within 30 days of the time limits set forth in Rules 8.2 and 8.3, an additional period of 30 days is excluded from the computation of the time limits.

b. Delays resulting from a remand for new probable cause determination under Rules 5.5 or 12.9.

c. Delays resulting from extension of the time for disclosure under Rule 15.6.

d. Delays necessitated by congestion of the trial calendar, but only when the congestion is attributable to extraordinary circumstances, in which case the presiding judge shall promptly apply to the Chief Justice of the Arizona Supreme Court for suspension of any of the Rules of Criminal Procedure.

e. Delays resulting from continuances in accordance with Rule 8.5, but only for the time periods prescribed therein.

f. Delays resulting from joinder for trial with another defendant as to whom the time limits have not run when there is good cause for denying severance. In all other cases, severance should be granted to preserve the applicable time limits.

g. Delays resulting from the setting of a transfer hearing pursuant to Rule 40 of these rules.

Rule 8.5. Continuances

a. **Form of Motion.** A continuance of a trial may be granted on the motion of a party. Any motion must be in writing and state with specificity the reason(s) justifying the continuance.

b. **Grounds for Motion.** A continuance of any trial date shall be granted only upon a showing that extraordinary circumstances exist and that delay is indispensable to the interests of justice. A continuance may be granted only for so long as is necessary to serve the interests of justice. In ruling on a motion for continuance, the court shall consider the rights of the defendant and any victim to a speedy disposition of the case. If a continuance is granted, the court shall state the specific reasons for the continuance on the record.

c. **Other Continuances.** No further continuances shall be granted except as provided in Rules 8.1(e), 8.2(e) and 8.4 (d).